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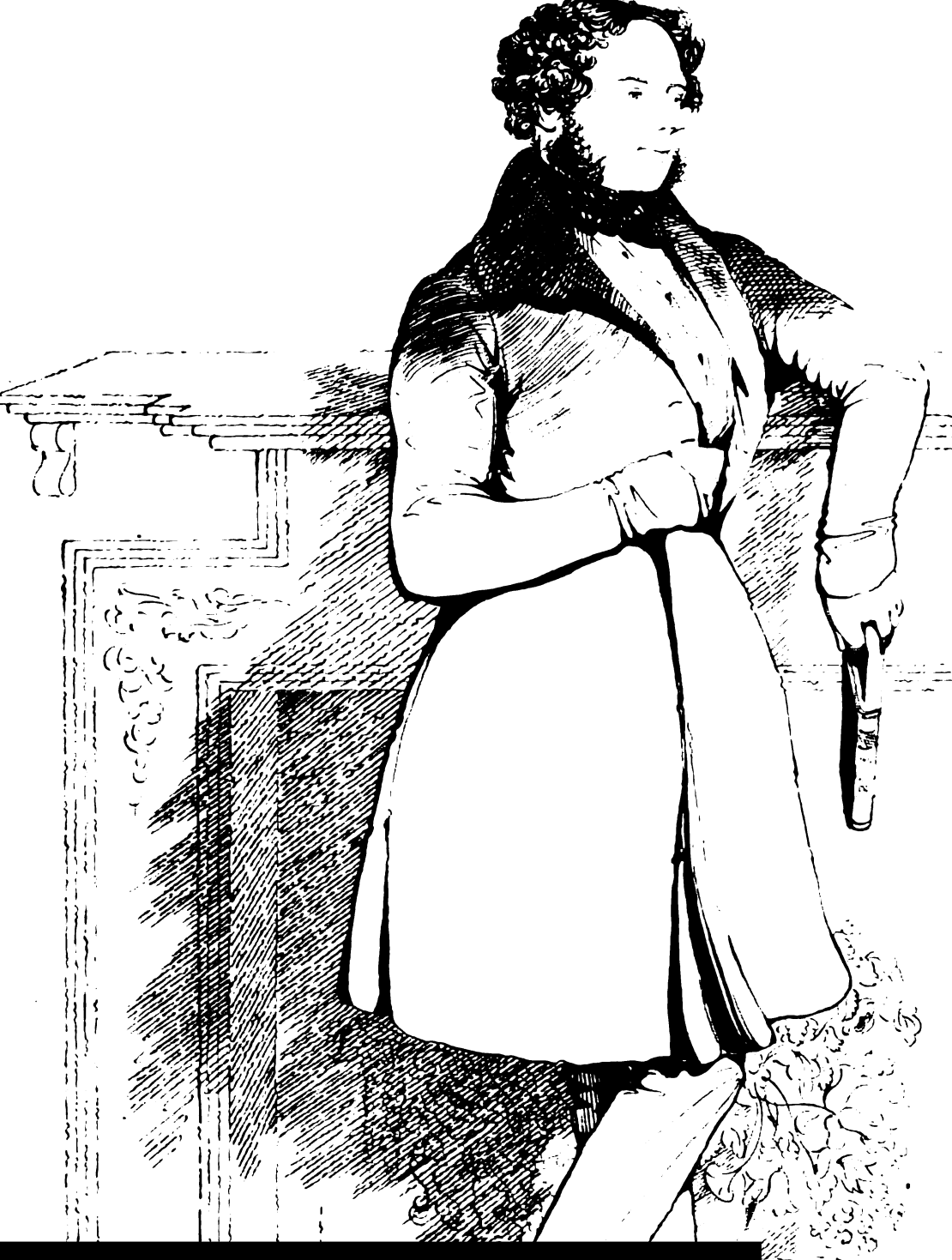
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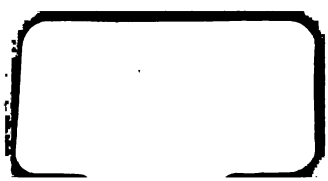
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**THE CALCUTTA  
MONTHLY JOURNAL**

**AND**

**GENERAL REGISTER OF OCCURRENCES**

**THROUGHOUT**

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**FORMING**

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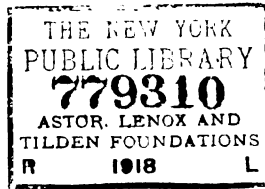
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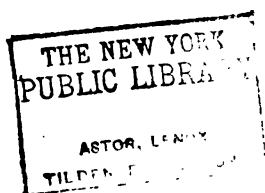
## NOTICE TO SUBSCRIBERS.



IN our extreme anxiety to render the *Calcutta Monthly Journal* as attractive as possible, we have hurried ourselves into an arrangement respecting the Lithographic Portraits and Memoirs that we are compelled to confess ourselves unable to continue with the punctuality that we had originally designed. We regret this exceedingly, but it is really no fault of ours. We have tried our utmost to obtain a Portrait and Memoir for the present number, but have met with obstacles that we never anticipated. It is useless, however, to enter into a very minute explanation of our difficulties, though, in justice to ourselves, it is but fair to state, that we have found certain distinguished individuals a great deal more coy towards the public than could have been expected from men who had been so many years prominently before the world. Nevertheless, we are not going to abandon, altogether, the plan of giving Lithographic Portraits and Biographical and Critical Notices; we are only apologizing for the absence of any in this month's Journal, and preparing the reader for occasional similar omissions in our future numbers. We shall certainly give a Memoir and Portrait *next* month; and, we hope, that if we cannot preserve a perfect regularity of succession in these notices and embellishments that they will not be so very few or far between as to occasion any serious disappointment to our kind supporters. If our friends were aware of the very great expense and trouble that we incur in the preparation of this work, for which we are far from receiving a remunerating return, we are certain that they would not withhold from us even a greater degree of indulgent consideration than we now solicit.

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Printed by T Black Assare Lith Press

Yours very truly,  
J. L. Richardson

# BIOGRAPHICAL SKETCHES.

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## No. I.

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### B. S. S.

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The consciousness that he is writing for a small community is as a mill-stone round the neck of an author. He may have more readers in a narrow than in an extended circle; but it is not to this that we allude—it is to the constant recurrence of the feeling, that he can not preserve an *incognito*; that to be anonymous is not to be unknown; that he cannot separate the author from the man in the minds of his readers; that there is no impervious veil of mystery to shroud him from the vulgar gaze; that he is self-manifested in all that he commits to paper, and that his *dicta* are only of value in proportion to the estimate which each reader, in his own little world, may form of the individual's capacity to instruct him: these are the feelings, which act so gallingly upon his spirit, whenever he takes up the pen with a desire to instruct or to inform society. The public writer in such a situation, knows full well that there are many, who will dispute his right to be an instructor; that many think him a very poor creature, for some private reasons of their own; and that there are few people, who like to be dictated to at all when they know who is the dictator (an unknown dogmatist they can endure because he does not attack their self-love so directly)—he knows this and the knowledge is accompanied with an embarrassment, which pains at the same time that it fetters. But this is not all; as his writings are known he must be very careful indeed what he writes; for there are a multitude of readers, whose discernment is only to be equalled by their charity, and who not only discover an author's motives for writing in a particular strain, but discover also that those motives are corrupt. People know something of his private history and trace his own feelings in all that he writes. It is not enough even that his compositions should assume a form of fictitious narrative and that ideal speakers should be introduced, whose sentiments must be consistent with their characters:—oh! no, if there be anything of a doubtful morality in these sentiments, they are instantly said to be the sentiments of the writer, and then the causes, which have conduced to such a tone of sentiment, are discovered and dilated upon with a degree of candour and good-nature, which must be delightfully exhilarating to the disciples of that school, which the wit of Brinsley Sheridan has immortalized,

These remarks have a close application to the difficulties under which a writer labours in our Indian community. Almost every body in Calcutta knows the names and perhaps the persons of each writer in the different periodicals; they know more than this, they know his character, his history, his means, his way of life,—but this would be nothing if they did not know his *style* in such a manner as to identify every article he writes, and to forbid the preservation of an *incognito*. The editorial we is but a transparent veil, through which all see Mr. —, or Mr. \* \* \*; and it is most true, though it may seem strange, that the opinions of an unknown writer, of whose general powers, and of whose honesty and integrity the reader can have no knowledge whatever, are received with far more respect than those of an author, with whom we are acquainted, either personally or by report, although our knowledge of the individual may have had no other effect than that of implanting within us a deeply-rooted conviction of his excellence, intellectual and moral. One person will not think much of a writer, who happened to be, many years ago at college, inferior to him in scholastic attainments; another will recognize in a particular writer a junior officer,

and will not admit of intellectual, where there is not military precedence; a third will say, that A. is un-educated, or B. quite a boy, or C. too fond of society — and thus deny their right to set themselves up as public instructors; but all this is exceedingly unfair, exceedingly mortifying, and exceedingly embarrassing. The writings, not the writers, should be canvassed. If an article contain dangerous or un-sound opinions, let it be attacked with all violence; let its arguments be rebutted and overthrown in any mode, however truculent, by the supporters of the opposite cause; but let not the individual be attacked — let the person be kept sacred. It has nothing to do with the merits of the question that Mr. Jones is a drunkard, or Mr. Brown an atheist, or that Mr. Thompson has been confined in a mad-house. Party rancour, not political but literary, in this our City-of-Palaces, has for some time been raging most fearfully. Would to God that we could see it extinguished!

To apply these observations more immediately to the matter now under our consideration. A public writer is invited to prepare for a certain periodical, a biographical notice of a cotemporary. He undertakes the task, but at the same time he is well aware that upon the appearance of his biography, his authorship of the article will be identified not only by the biographized individual himself, but by all that individual's associates,—by every literary man in the community, and indeed by the majority of his readers. He must be prepared, therefore, to have his motives as well as his opinions canvassed: whatever may be the tone of the article he has written, he is sure to have his sincerity questioned by some party or other. If he has spoken unfavorably or even luke-warmly, of his cotemporary's writings, the charge of envy is laid at his door; if on the other hand he has bestowed on them generous laudations, it is either said that he is one of the author's personal friends and is afraid of a schism if he were to give an honest opinion, or else that he has some object in view—some purpose to answer—perhaps that he expects on a future occasion to be paid back for his flattery *in kind*. Immediately that the work appears it is said "Oh! this is —'s article; and — dines with \* \* \* three times a week," or "— is paying his addresses to \* \* 's daughter," or owes him money, or borrows his horses, or is his cousin: some reason or other is sure to be found for the eulogistic nature of the review; and just as many kindly motives, should the notice be unfavorable, are readily discovered by the discerning enquirer. We are perfectly aware of all this; but we acknowledge that we are but little affected by it. We intend to write just what we think; and we leave our friends to find out our motives. We must premise, however, for their information, that we neither owe D. L. R. any money, nor do we dine with him three times a week, nor are we paying our addresses to his daughter, nor in the habit of borrowing his horses. That we are D. L. R.'s friend we readily and proudly acknowledge. If we were not so we should be little fit to write this account of him; for as with things so is it with persons, a writer must have some acquaintance with that which he undertakes to describe, or his description will be, most probably, a failure.

Hazlitt says, that "it is often harder to praise a friend than an enemy." But, we must confess, that we have never found much difficulty in bestowing praise on our friends. He says in another place, that, "to speak highly of one, with whom we are intimate, is a species of egotism;" if it be so, we are sadly afraid that we must prove ourselves to be egotists, in this month's magazine. But our readers will have already wearied of this long exordium, and will be longing to hear something of their friend D. L. R. Let us commence then without further periphrasis and tell them all that we know concerning one, who has afforded so much delight and instruction to the community of British India.

DAVID LESTER RICHARDSON, was born, we believe, in the first year of the present century, so that he is now about thirty-seven years of age. His Father, (Colonel David Thomas Richardson, of the Bengal Establishment,) was lost on his passage home to Europe about thirty years ago. He was not destitute of literary talent, as may be seen by his contributions to the *Asiatic Researches*, and being an excellent oriental linguist, he occasionally amused

himself by translating passages of Eastern poetry, which he rendered into English verse with a considerable degree of felicity. We have seen a translation by him of one of Qoodrut's odes, which was published in the *Weekly Review*, and which struck us as being an elegant version of a somewhat philosophic poem. D. L. R. entered the service in 1819 and first appeared as a poet in the following year, when he began to send his verses to the *Calcutta Journal*, which was then under Buckingham's editorial management. To these contributions he affixed the triple initials, now so familiar to all Indian readers. In 1822, he published in Calcutta a small volume of poems, with his name in full on the title-page; of this publication he is, we believe, at the present time considerably ashamed; but few are the poets who, in the zenith of their fame, do not look back with supreme contempt on the first sprouts of their juvenile muse. In 1824, D. L. R. went to Europe on medical certificate. His first impressions on reaching England he has recorded in his works with a truthfulness most touchingly beautiful. We need in this place but allude to the *Essay on Children* and the poem entitled *The Return from Exile*; it will be our province to speak of them fully anon. In 1825, D. L. R. published in London a volume entitled *Sonnets and other Poems*. This work was received, as it deserved to be, with an uncommon share of public favour. Reviewers, both metropolitan and provincial, almost without an exception, agreed in their laudations of Richardson's poetry. The public press has been rarely so unanimous in their opinions of an individual work. Indeed, as a proof of this volume's popularity, we may mention, that Messrs. Jones and Co., applied to the author for permission to include it in their well-known diamond-edition of the British poets; a compliment, which will be better understood, when it is stated, that Richardson is the only living bard whose works are included in the collection. This edition of D. L. R.'s poems, appeared in 1827, about which time he bethought himself of establishing in the metropolis a periodical, to be called the *London Weekly Review*. On this speculation he expended a large portion of his patrimony, which was far from being inconsiderable. His uncle, Colonel Sherwood of the Artillery, who was likewise the poet's guardian, had often said to him, "You are the richest Ensign in India; if you go home, you will return a beggar." The Colonel's prediction was almost verified. D. L. R. established the *Weekly Review*, of which he was sole proprietor. He edited it in conjunction with Mr. St. John, author of the *Anatomy of Society*, *Margaret Ravenscroft*, and some works of oriental travel. Hazlitt, Bowring, Roscoe, Moir, Pringle, and many other eminent writers were amongst the contributors to this journal; and, it was, undoubtedly, the most talented and the most honest weekly periodical that ever issued from the London press. The undertaking prospered, as it deserved; indeed, it was so successful, that John Murray was anxious to purchase a half-share in the proprietorship of the work. This, D. L. R. most imprudently declined: had he accepted the proposal, the chances are, that he would never have returned to India, but have been now living in England, upon the profits of his half-share; for D. L. R. is about as bad a man of business as John Murray is a good one, and nothing but a connexion with such a person as the latter, could have enabled Richardson to carry on with profit to himself an extensive undertaking like that of the *London Weekly Review*. This was certainly the greatest mistake D. L. R. ever made in his life; and, subsequently, he bitterly repented of it. In 1828, it may be remembered by many, the literary world was agitated by several extensive failures amongst the leading book-sellers of the country. In this number were a considerable portion of those houses, who had supported the *Weekly Review* by their advertisements, a circumstance which considerably lessened the profits arising from the work. This was a critical period too with D. L. R.; his time of furlough had nearly expired, and it became imperative upon him to take some decisive steps as to his future establishment in life. He was disheartened by a variety of circumstances, all chiefly resulting from his inexperience in the details of business; and he began to think that he had better return to his old profession in India. He carried on the *London Weekly Review* until the conclusion of the year 1828, when he sold it to Mr. Colburn, reserving to himself a certain share in the concern, the proceeds from which were to be increased in the same

ratio as the increase of circulation. But, unfortunately, Mr. Colburn being endowed with more ingenuity than most people, contrived to dispossess D. L. R. of his rightful claims by *changing the name of the periodical*. D. L. R. had stipulated for a certain share in the profits of the *London Weekly Review*—Mr. Colburn metamorphosed it into the *Court Journal*, and by this adroit manœuvre deluded Richardson out of his property. We never doubted Mr. Colburn's abilities as a tactician, but we should scarcely have expected such a specimen of his *ingenuity* as this.

We must not forget to mention in this place that when D. L. R. made known his intention of returning to the shores of India, his literary associates gave him a farewell dinner, at which Thomas Campbell, the poet, presided. We cannot do better than transfer to our pages a brief notice of this dinner, which appeared in the London journals at the time, for it must be most gratifying to D. L. R.'s friends to peruse the well merited compliment paid to him by one of the most gifted men of the age :—

“DAVID LESTER RICHARDSON, ESQ.

“The friends of D. L. Richardson, Esq., projector of *The London Weekly Review*, whose poetical talents and amiable private character have endeared him to a large and distinguished circle, comprehending some of the most illustrious names in the republic of letters, met on Saturday, the 3d inst. at the Free Masons' Tavern, for the purpose of paying him the public compliment of a farewell dinner, previous to his departure for India. The chair was taken by Thomas Campbell, Esq., whose convivial talents are only eclipsed by his splendid poetical reputation.

“At half-past six o'clock, the company sat down to an elegant dinner ; and on the removal of the cloth, after the customary toasts, the health of Mr. Richardson was proposed in an animated speech by the Chairman. It was, he said, an unexpected pleasure to him, on joining the party assembled that evening—to pay a farewell tribute to their excellent friend and guest—to find it graced by the company of two individuals, whose presence on this occasion afforded him particular gratification ; he meant his distinguished military friend Gen. Miller, who had signalized himself by his more than chivalrous services in a cause far more honourable than chivalry ; and Mr. Martin, the poet painter, who, by the extraordinary creations of his unrivalled genius, has exceeded all that the most imaginative minds had ever conceived of beauty, grandeur, and magnificence. In proposing the health of Mr. Richardson, it would be needless for him to expatiate upon his merits ; they were known to all his friends, and to none better than the party then assembled. Deep as might be his (Mr. Richardson's) regret at leaving his native country, it would be soothed by the conviction, that he left behind him those favourable impressions, which would afford to a heart constituted like his, the truest consolation, and best mitigate the pain of separation. And, though the occasion of the present meeting could not fail to give birth to some melancholy reflections, connected as it was, with the loss they were about to sustain of a dear and valued friend, whose elegant acquirements and refined taste are so conspicuous, it was his wish that it should be considered less in the light of a valedictory ceremony, than as an occasion of offering their sincere congratulations to their friend and guest, on the literary reputation he had already so creditably achieved, and their fervent hopes that his departure for India, which he had resolved upon, for reasons perfectly consistent with the spirit and manliness of his character, would furnish no bar to his fair and promising prospects in literature. The best wishes of his friends would accompany him to the scenes he was about to visit ; and he trusted this public expression of their high opinion would be the more valuable, coming, as it did, from a body of men who never dealt in the base traffic of praise, nor stooped their independent heads to flatter. He concluded an eloquent and affectionate address, by proposing the health of Mr. Richardson, their valued friend and guest, which was drank with the greatest applause.

“Mr. RICHARDSON returned thanks in a short but feeling speech.

“The Chairman gave the health of General Miller with an eulogium on his services in South America.

“General Miller, in returning thanks, spoke as follows : ‘In all my proceedings in South America, which have been so kindly adverted to, I have had the benefit of two great advantages, to which I have been more indebted than to any merits of my own—I mean good friends and good fortune. These have done nearly everything for me, and have left me no other title to approbation than what may be derived from a plain and straightforward course of conduct, and a steady perseverance in what I considered to be my duty—encouraged and animated by a fervent desire to do credit to my native country. And in this slight allusion to my personal history, I should be guilty of an injustice, if I omitted to express my obligation and gratitude to the heroism and valour of the common people, the common peasantry, and common soldiery of South America.

“The Chairman then gave the health of Mr. Martin. At the retirement of the Chairman at rather an early hour, in consequence of indisposition, General Miller was called to the Chair, and the evening concluded with great hilarity. The party broke up at a late hour.”

D. L. R. returned to India in 1829. He had over-staid the five years allowed by act of Parliament to officers absent from duty. In the month of October, in the preceding year, he had gained the permission of the Court of Directors

to return to India, and although it would have been impossible for him to have reached Bengal, within the boundaries of the five years' limitation, the Court gained the consent of the *Board of Control* to an indulgence, which, in this special instance, they were pleased to confer on our friend. They decreed, that if D. L. R. took his passage in a ship, to sail in the ensuing month, they would not visit him with any ill consequence, on account of having over-staid his time. He then took a passage in a vessel, advertized to sail early in November; it was accidentally delayed till December, and on this account the Government of Bengal suspended him from the service, until such time as the decision of the Court of Directors might be made known to them. This threw D. L. R. entirely upon his literary resources, and whilst he was waiting for the decision of the Court, concerning which he had very few misgivings, he employed himself in conducting certain literary periodicals. The answer which he received from the Court of Directors, after a suspension of about a year and half, was, as he anticipated, favourable; he was then appointed a Member of the Arsenal Committee; which detained him at Calcutta, until his promotion to a Captaincy, whereon he applied for permission, which was granted, to be transferred to the Invalid list. From the middle of the year 1829 to the end of 1835, he was employed upon editing various literary works, of which the following is, we believe, a correct enumeration :—

Bengal Annual, from 1830 to 1836,.....	7 vols.
Calcutta Literary Gazette, from 1830 to 1835,.....	6 "
Calcutta Magazine, from 1830 to 1833,.....	10 "
Total,.....	23

Early in 1835, D. L. R. was appointed Aid-de-Camp to Lord William Bentinck, and upon that Nobleman's departure from India he was elected Professor of Literature in that noble institution, the Hindoo College. The Managers were unanimous in their election of him, and the appointment gave general satisfaction. He had not been long installed into his new office, before he applied to the Education Committee for a class-book, out of which to instruct his pupils; the Committee then proposed to D. L. R. that he should himself prepare a work for that purpose, and promised to take two thousand copies of the book, when completed. To this D. L. R. readily consented, and the book is now passing through the press. It will contain selections from all the most esteemed poets that England has produced from the time of Chaucer to the present day. It is to be a royal octavo volume, containing about eight hundred pages, and will, we are sure, for we have seen the greater part of it, form the most complete work of the kind that has ever emanated from the press. Mr. Macaulay undertook to prepare a similar work of selections from our prose writers; but having sketched out the design, he left it to be completed by Sir Edward Ryan, who will perform the task, we doubt not, full as well as the great literary Lycurgus himself.

We have some how or other neglected in this brief sketch of D. L. R.'s life to speak, in its proper place, of the publication of his two principal works. We do not much regret the omission, as it has furnished us with a natural link of transition, whereby we may pass from the author to his works.

The *Ocean Sketches and other Poems* were printed in 1833, and the *Literary Leaves*, in 1835. It is of the latter work, that we purpose to speak, as in this volume the better portion of all his previous writings, both prose and poetry, has been incorporated. We hope to receive all credit for the sincerity with which we intend to execute our task; we will do our best to be strictly impartial, and angels could do no more.

If we were called upon to characterize D. L. R. as a poet, we should say, without a moment's hesitation, that he is the poet of domestic life. We do not remember any English writer (and we think that our poetical readings have embraced the whole range of British bards) who has given utterance, with such a touching air of truthfulness, to the beautiful, affectionate yearnings of the husband,

the parent, and the friend. It would be impossible to peruse, with attention either his essays or his poems, without inwardly saying, "These are the outpourings of a kindly, affectionate heart." He who does not feel the generous sympathies of his nature excited by such appeals, full of the best spirit of humanity, as they are, must indeed have

— a hideous heart,  
A heart of stone—of smooth, cold, frightful stone ;

and little would we wish to enrol him in the cherished list of our associates. To us these appeals are irresistible. We ever feel kinder, and better, aye, and wiser too, after a commune, however brief, with the writings of D. L. R. There is something in them which melts the heart into tenderness even at seasons when we feel most worldly and most obdurate. And what is this but to say that these writings are full of nature and truth? Words could not move us, nor the spirit informing them, if it were not an emanation from the great spirit of natural beauty. D. L. R. possesses a key which unlocks the chambers of the human heart. And is not this the true end of poetry—to awaken generous emotions, virtuous sympathies, benevolent yearnings? The disciples of the Conrad-and-Harold school; or, as Mr. Southey has christened it, the *Satanic* school, may hold a different opinion; all that we can say is, we do not envy them. They may prate about *force* and *energy*, and *masculine vigour*, and exhaust their vocabulary of pet expressions; but they will never make converts of us. What they call *force* and *energy*, is nothing more than fustian and bombast. There is force enough in *Hieronymo*, in *Tamburlaine*, in the *Jew of Malta*; but what pleasure is there derivable from the perusal of these inflated, antique tragedies. One page of Marlowe's *Hero and Leander* is worth all his tragedies put together. Marston is a more forcible writer than Shakespeare, but his plays have not even been re-printed, in this age of re-prints; and Mr. Maturin is a far more forcible romance-writer than Sir Walter Scott; but who ever thinks of reading the *diableries* of Melmoth, and who does not read the *Heart of Mid-Lothian*? We hope very soon to hear no more of this cant about *energy* and *vigour*. Let us have anything introduced into our literature rather than the villanous exaggerations, the monstrous distortions, that at present disfigure the literature of France. We would rather that Hayley and Pye should be set up as intellectual models than Maturin and Monk Lewis. It is far better to be lulled to sleep by the dullness of the one than to be haunted by the grim terrors of the other. Feebleness is better than exaggeration; there may be some approach to nature in the former, but with the latter she has nothing to do.

In D. L. R. there is nothing over-strained—all is quiet, all subdued, all natural. There is one poem, certainly, in the collection, which may in some measure be subjected to the charge of exaggeration; and we like it less than any poem in the book, although the critics one and all have commended it. We have a notion, however, that D. L. R. perfectly coincides with us in this opinion. The poem to which we refer is called the *Soldier's Dream*, and is something in the Charnel-house style. With this solitary exception all D. L. R.'s writings, both prose and poetry, are full of quiet beauty and natural grace. They do not strike or startle us, but they gently win their way to our hearts. They have a sort of Claude-like repose about them, and we dwell lingeringly upon the scenes he describes as we do upon the painted creations of the Italian. There is nothing petulant or ill-natured in his writings—no pride, no misanthropy, no sarcasm. He is imbued with too noble a philosophy, ever to scorn, to abuse, or to insult his fellows. He is a little of an optimist we think, and we like him the better for being so. There is an exculpatory vein running through his writings, which to us is peculiarly delightful. He seeks for good in every thing, and is full of sanctifying charities. Take, for example, the following passage from an essay entitled *Summer and Winter*. He is dilating upon the soothing influences of a calm summer's day. See, how charitably he makes excuse for that, which is the most frequent source of petulant complaint in people of ardent temperament—we mean, the want of sympathy in others:—

"Even actual misfortune comes in a questionable shape, when our physical constitution is in perfect health, and the flowers are in full bloom, and the streams are glittering in the sun. So power-

fully does the light of external nature sometimes act upon the moral system, that a sweet sensation steals gradually over the heart, even when we think we have reason to be sorrowful, and while we almost accuse ourselves of a want of feeling. *The fretful hypochondriac would do well to bear this in mind, and not take it for granted that all are cold and selfish who fail to sympathize in his fantastic cares.* He should remember, that men are sometimes so buoyed up by the sense of corporeal power, and a communion with nature in her cheerful moods, that things connected with their own personal interest, which at other times would irritate them to madness, pass by them like the wind. He himself must have had his intervals of comparative happiness, in which the causes of his present afflictions would have appeared trivial and absurd. He should not then, expect persons whose blood is warm in their veins, and whose eyes are open to the blessed sun in heaven, to think more of his sorrows than he would himself, were his mind and body in a healthful state.

"With what a light heart and eager appetite did I enter the little breakfast parlour, whose glass-doors opened upon a bed of flowers! The table was spread with dewy and delicious fruits from our own garden, and gathered by fair and friendly hands. Sweet and luscious as were these natural dainties to the sight and taste, they were of small account in comparison with the fresh cheeks and cherry lips that so frankly accepted the wonted early greeting. Alas! how that dear domestic circle is now divided, and what a change has since come over the spirit of our dreams! Yet still I cherish boyish feelings, and the past is sometimes present. As I give an imaginary kiss to an "old familiar face," and catch myself almost unconsciously, yet literally, returning imaginary smiles, my heart is as fresh and fervid as of yore. Fifteen thousand miles do not change or separate faithful spirits, nor annihilate early associations. *Parted friends may still share the light of love, as scattered clouds are equally kindled by the same sun.*"

We are fully alive to the merits of D. L. R. as a *descriptive poet*. It is his own opinion, and the opinion, we believe, of all his friends, that his descriptions of inanimate nature are superior to his other metrical performances. We can not think this—for us the *Ocean Sketches* have far less charm than his domestic pieces; his lesser poems which he has addressed more immediately to the human heart. We are at issue upon this point with the whole host of Richardson's reviewers. The *Ocean Sketches* are bright Turner-like sea-views—they are beautiful, and dazzling, and highly-coloured; they attract the eye at once, but we cannot linger on them—they awaken scenic remembrances but not heart-felt associations, and therefore they do not dwell upon the mind. The spirit of humanity pervades them not. They are gorgeous views without a figure in them, and therefore they lack vitality. This is a fault which, we acknowledge, lies more in the subject than in the execution of the pictures, but we have a fault to find with their execution. The *Ocean Sketches* are overladen with epithets; it is the nature of descriptive poetry to abound in them to a certain extent, but a few will be as graphic as a multitude. Now D. L. R.'s epithets are always descriptive; they are always the best that can be chosen; but there are too many of them and their multiplicity dazzles rather than illuminates our view. The *Ocean Sketches* are admirably true to nature. Indeed, but a little time ago, when ocean-voyagers ourselves, we found that we were frequently repeating passages of the *Sketches*, which had been long buried in the store-house of our memory, but of whose possession we were utterly ignorant, until we beheld in reality the very images the poet has described. Higher praise to their truthfulness we cannot bestow; but we wish that they had been less elaborated. We wish that the artist had dashed a little less colour upon his canvas, and struck out a more simple effect. Wordsworth's descriptions are the finest in the language, but they are very little burthened with epithets. We will quote one of the *Ocean Sketches* entire, which will enable our readers to perceive at once both the characteristic beauties and defects of these graphic poems.

A CALM—AT MID-DAY.

Now in the fervid noon the smooth bright sea  
Heaves slowly, for the wandering winds are dead  
That stirred it into foam. *The lonely ship*  
*Rolls wearily, and idly flap the sails*  
*Against the creaking mast.* The lightest sound  
Is lost not on the ear, and things minute  
Attract the observant eye.

The scaly tribe,  
Bright-winged, that upward flash from torrid seas,  
Like startled birds, now burst their glassy caves,



And glitter in the sun ; while diamond drops  
From off their briny pinions fall like rain,  
And leave a dimpled track.

The horizon clouds  
Are motionless, and yield fantastic forms  
Of antique towers, vast woods and frozen lakes,  
Huge rampant beasts, and giant phantoms seen  
In wildering visions only.

High o'er head,  
Dazzling the sight, hangs, quivering like a lark,  
The silver Tropic-bird ;—at length it flits  
Far in cerulean depths and disappears,  
Save for a moment, when with fitful gleam  
It waves its wings in light. The pale thin moon,  
Her crescent floating on the azure air,  
Shows like a white bark sleeping on the main  
When not a ripple stirs. Yon bright clouds form,  
(Ridged as the ocean sands, with spots of blue,  
Like water left by the receding tide,)  
A fair celestial shore !—How beautiful !  
The spirit of eternal peace hath thrown  
A spell upon the scene ! The wide blue floor  
Of the Atlantic world—a sky-girt plain—  
Now looks as never more the Tempest's tread  
Would break its shining surface ; and the ship  
Seems destined ne'er again to brave the gale,  
Anchored for ever on the silent deep !

Now here the first passage we have marked with italics is eminently beautiful and descriptive ; it is not only admirably true to nature, but it is a fine specimen of "Imitative Harmony."\* There is not a word too few or too many and any change would be for the worse. But a little further on, where he describes the flying fish, the same image is introduced three times in the same number of lines. The *bright-winged* tribe *flash*, and *glitter* in the sun. The word *flash* is the most graphic word in the language that the poet could have employed. It might well have afforded to stand alone without any assistance from its brethren. We have the same objections to make to the description of the tropic bird a little lower down in the same poem. There is a like redundant display of glittering words—"dazzling," "silver," "gleam" and "light," are all to be found in the same paragraph. One of the most popular, but, in our opinion, one of the most over-rated poets of the age, has subjected himself to a similar accusation, in a far more extraordinary degree. Our readers will have little difficulty in discovering that we allude to Thomas Moore, whose principal work, though the most popular book ever written, is all spangle and tinsel, with very little of the genuine ore of poetry in its composition. As a specimen of its tinsel, we may parenthetically quote a passage, which *glitters* about fifty times more than the extracts we have quoted from D. L. R. We must premise that this is an admired passage—one of those which boys of sixteen and girls at a boarding-school under-line with a pencil, and scratch opposite to it, in the margin, the word "beautiful"—

To one, who looked from upper air  
O'er all the enchanted regions there ;  
How beauteous must have been the *glow*  
The life, the *sparkling* from below !  
Fair gardens, *shining* streams, with ranks  
Of *golden* melons on their banks,  
More *golden* where the *sun-light* falls ;  
Gay lizards, *glittering* on the walls  
Of ruined shrines, *busy* and *bright*  
As they were all alive with *light* ;  
And yet more *splendid* numerous flocks  
Of pigeons, settling on the rocks  
With their rich, restless wings that *gleam*  
Variously in the crimson beam  
Of the *worm* west, as if inlaid  
With *brilliant*s from the mine, &c., &c., &c.

Now, if an artist were desirous of transferring this gorgeous scene to the canvas, he would find it necessary, as a preliminary step, to betake himself to

\* D. L. R. has an admirable essay on this subject in the *Literary Leaves*, which we warmly recommend to all poetical students.

Mr. Fuller's "Temple of Fancy," or some other depôt of a similar nature, and there to purchase an immoderate supply of *gold leaf* to work out his design. We protest against this glittering array of words; it dazzles, it does not charm the senses. A diamond-beetle is a very pretty thing, but an antelope is more graceful, and a lion much more sublime. Mr. Moore's poems are all diamond-beetles.

But all this has very little to do with our friend D. L. R. We have spoken, thus freely of his *Ocean Sketches*, because he can afford to be blamed a little where there is so much to praise. Hazlitt says, that "those who are tenacious on the score of their faults, show that they have no virtues to bring as a set-off against them." Now D. L. R. having plenty of virtues, will readily allow us to say something of his faults. We have nothing more, however, to say about them, and we are heartily glad of it. But we have much to say of his merits, and happy are we that can we do so in a spirit as sincere as it is cordial. Here is a passage on which we have first lighted in the *Ocean Sketches*; and who is there amongst our readers who will not recognize the truthfulness of the picture?

How fitfully the struggling day-beams pierce  
The veil of heaven! On yon far line of light,  
That like a range of breakers streaks the main,  
The ocean swan—the snow-white Albatross,  
Gleams like a dazzling foam-flake in the sun!—  
Gaze upward—and, behold! where parted clouds  
Disclose ethereal depths, its dark-hued mate  
Hangs motionless on arch-resembling wings,  
As though 'twere painted on the sky's blue vault.

Here is another full of graphic power and beauty; it gives us little trouble to find such gems for they are clustering in every page. How finely he describes a ship in a storm:—

Her snow-white sails,  
Outspread like wings of some gigantic bird  
Struck with dismay, are fluttering in the gale,  
And sound like far-off thunder. Now the heart  
Of ocean quails to its profoundest depths:—  
The dark heavens groan,—the wildly scattered clouds,  
Like routed hosts, are thickly hurrying past  
The dim-discovered stars. Up lofty bills,  
Or down wide-yawning vales, the lone ship drives  
As if to swift destruction. Still she braves,  
Though rudely buffeted by tempest-fiends,  
The elemental war. Ah! that dread wave,  
As though some huge sea-monster dealt the blow,  
Hath made her start and tremble!—Yet again,  
For one hushed moment, with recovered power,  
She proudly glides in majesty serene,  
Calm as a silver cloud on summer skies,  
Or yon pale moon amid the strife of heaven!

These are, we think, fair specimens of the *Ocean Sketches*; they are of the "average quality" of the whole, and have been culled with no particular care. Of the lesser poems we have marked a number for extract, and we are at a loss how to choose amongst them. The following lines will, we are sure, find an echo in many a lonely exile's breast. They are touchingly beautiful and plaintive:—

## HOME-VISIONS.

WRITTEN IN INDIA.

### I.

The skies are blue as summer seas—the plains are green and bright—  
The groves are fair as Eden's bowers—the streams are liquid light—  
The sun-rise bursts upon the scene, like glory on the soul,  
And richly round the couch of Day the twilight curtains roll.

II.

But, oh ! though beautiful it be, I yearn to leave the land,—  
It glows not with the holier hues that tinge my native strand,  
Where shadows of departed dreams still float o'er hill and grove,  
And mirrored in the wanderer's heart, immortalize its love !

III.

I gaze upon the stranger's face—I tread on foreign ground,  
And almost deem Enchantment's wand hath raised up all around :—  
My spirit may not mingle yet with scenes so wild and strange,  
And keeps in scorn of fleshly bonds its old accustomed range.

IV.

In that sweet hour when Fancy's spell inebriates the brain,  
And breathing forms to phantoms turn, and lost friends live again,  
Oh ! what a dear, delirious joy unlocks the source of tears,  
While, like unprisoned birds, we seek the haunts of happier years !

As a sort of appendix to these lines we must quote a stanza from an exquisite poem entitled "Consolations of exile," and we wish that we could extract the whole :—

Fair children ! still, like phantoms of delight,  
Ye haunt my soul on this strange distant shore,  
As the same stars shine through the tropic night  
That charmed me at my own sweet cottage door.  
Though I have left ye long, I love not less ;  
Though ye are far away, I watch ye still ;  
Though I can ne'er embrace ye, I may bless,  
And e'en though absent, guard ye from each ill !  
Still the full interchange of soul is ours,  
A silent converse o'er the waters wide,  
And fancy's spell can speed the lingering hours  
And fill the space that yearning hearts divide.

And now what better can we do than let our readers know how the "Home visions" of the poet were realized, when once again he trod the shores of his own native land. Oh ! is it not worth a few years' exile—a few years of heart-solitude in a strange land—to feel the exulting spirit, the bounding pulse, the access of animal life, the buoyancy, the hopes which stir within us, when we plant our foot upon the strand of Merry England, and feel its mild airs breathing on us once more ? How well do we remember all the sensations which D. L. R. has so beautifully described. We, at least, can vouch for the truth of the verses. How naturally does the poet allude to the first sight of his native fields and their spirit-stirring influence on his soul :—

And when among my native fields I wandered in the sun,  
I felt as if my morn of life had only just begun.

IV.

The shining golden butter-cup—the daisy's silver crest—  
The living gems of every hue on Nature's verdant breast—  
The cheerful songs of British birds, that rose from British trees—  
The fragrance from the blossomed hedge, that came on every breeze—

V.

The white cot peeping from the grove, its blue smoke in the sky—  
The rural group of ruddy boys, that gaily loitered nigh—  
The silent sheep-besprinkled hill—the rivulet-watered vale—  
The lonely lake, where brightly shone, the fisher's sun-lit sail ;—

VI.

A while these seemed illusions brief of beauty and delight,  
A dear but transitory dream—a mockery of the night !  
For often in my slumbering hours on India's sultry strand,  
In visions, scarce less palpable, I hailed my native land.

VII.

But when upon my wildering doubts reflection flashed the truth,  
Oh ! never in my childhood years, nor in my fervid youth,  
So deep a rapture thrill'd my breast as while I gazed around,  
And recognized the thousand charms that hallow English ground !

We doubted, whether we would quote these lines, as there is a passage of a similar tendency in a delightful Essay on *Children*, which we had half promised ourselves to cite in this review. We hardly know which most to admire, the passage in the essay or in the poem; but we could not resist the temptation of giving a sort of unity to the three last quotations; they, indeed, form a series of beautiful pieces, each serving to illustrate the others. But we must be more chary of extracts or we shall soon run out of our bounds.

We have as yet said nothing of D. L. R.'s sonnets; but we are not therefore blind to their merits. They are most of them exquisitely finished and full of genuine poetry. We think that, with the exception of Milton's and Wordsworth's, they are equal to any in the language. We have neither time nor inclination in the present place, to speak of the *capabilities* of the sonnet; there has been much controversy on the subject, and should any of our readers wish to carry on the enquiry, we would refer them at once to the preliminary observations which introduce D. L. R.'s masterly essay on the mysterious sonnets of Shakespeare, whilst we take at random a few of D. L. R.'s own, and offer them to the admiration of those who prefer following us in our criticisms.

#### SONNET—TO MY TWIN BOYS.

Ye seem not, sweet ones, formed for human care—  
Your dreams are tinged by heaven;—your glad eyes meet  
A charm in every scene; for all things greet  
The dawn of life with hues divinely fair!  
How brightly yet your laughing features wear  
The bloom of early joy! Your bosoms beat  
With no bewildering fear,—your cup is sweet—  
The manna of delight is melting there!  
Twin buds of life and love!—my hope and pride!  
Fair, priceless jewels of a father's heart!  
Stars of my home! No saddening shadows hide  
Your beauty now. Your stainless years depart  
Like glittering streams that softly murmur by,  
Or white-winged birds that pierce the sunny sky!

#### SONNET.

Oh! now glad Nature bursts upon mine eye!  
The night of care is o'er. Deep rapture thrills  
My waking heart; for Life's deforming ills,  
That come like shadows when the storm is nigh,  
Foreboding strife, at length have floated by,  
And left my spirit free!—The sky-lark trills  
His matin song; the cloud-resembling hills  
In dim cerulean beauty slumbering lie,  
And form the throne of Peace; the silver stream  
Is sparkling in the sun—its bright waves seem  
Instinct with joy; the verdant breast of earth  
Teems with delight.—The *past* is like a dream,  
A dull trance broken by the voice of mirth,  
Or grey mist scattered by the morning beam!

#### SONNET—YOUTH.

Oh! there are green spots on the path of time  
The morning traveller, passing gaily by,  
Views with irreverent and careless eye,—  
Till, with reverted gaze, when doomed to climb  
With ceaseless toil adversity's rough steep,  
He marks them in the shadowy distance lie  
Like radiant clouds, that o'er an April sky,  
'Mid gloom and strife, in silent beauty sleep.  
Scenes of departed joy,—now mourned in vain!  
To which my weary feet can ne'er return,  
Farewell!—farewell!—Alas! how soon we learn,  
Urged o'er Life's later paths of care and pain,  
Where hang the shadows of the tempest stern,  
That all is drear beyond Youth's flowery plain.

## SONNET.

Our paths are desolate, and far apart—  
 Our early dreams have vanished ;—never more  
 May we together mingle, as before,  
 Our fond, impassioned spirits. Quick tears start  
 As eager memories rush upon my heart,  
 And rend oblivion's veil. E'en now the store  
 Of star-like spells that softly glimmered o'er  
 The twilight maze of youth, a moment dart  
 Their clouded beams on Care's reverted eye.  
 Alas ! the promise of the past hath been  
 A brief though dear delusion ?—All things fly  
 My onward way, and mock the lengthening scene,—  
 Through Life's dim mist thy form oft seemeth nigh,  
 Though lone and distant as the Night's fair Queen.

There are two poems, which we would fain quote entire did not their extreme length prevent us. The one is called *Retrospection*, the other *Stanzas to my Child*. We must, however, cite an extract from each of them, before we pass on to the consideration of D. L. R.'s merits as a prose writer. The latter of the two poems will lose nothing by a comparison with those exquisite verses of Leigh Hunt's commencing.

Sleep breathes at last from out thee  
 Thou little patient boy.

And we do not think that any higher praise than this could be bestowed on a domestic poem.

## I.

'Tis sweet on this far strand,  
 When memory charms the fond reverted eye,  
 To view that hallowed land  
*Where early dreams like sun-touched shadows lie !*

## II.

The dear familiar forms,  
 That caught the fairest hues of happier hours,  
 Flash forth through after storms,  
 As bursts of light between autumnal showers.

## III.

The green-wood's loveliest spot—  
 The summer walk—the cheerful winter fire—  
 The calm domestic cot—  
 The village church with ivy-covered spire—

## IV.

Each scene we loved so well—  
 With faithful force the mind's true mirror shows,  
 As Painting's mighty spell  
 Recalls the past, and lengthened life bestows.

I see my own first hours,  
 While lingering over thine ;  
 I see thee pluck the fresh spring-flowers,  
 An artless wreath to twine ;  
 The same bright hues their beauty yields  
 As those I sought in dewy fields,  
 When kindred bliss was mine ;  
 And while by memory thus beguiled,  
 I almost deem myself a child.

Ah ! dearest child, if thou  
 A child couldst thus remain.  
 And I for ever gaze as now  
 On one without a stain  
 Of earthly guilt or earthly care,  
 With heart as pure and form as fair  
 As sainted spirits gain,  
 Methinks e'en this drear world might seem  
 A heaven as sweet as man could dream !

But mortal flowerets grow  
 Till all their bright tints fade,  
 And thy maturer bloom must know  
 The bleak world's tempest-shade ;—  
 Thine eyes a father's fall shall trace,  
 His form shall sink before thy face,  
 And when thine heart hath paid  
 Its tribute brief of natural tears,  
 Thou'lt seek awhile what soothes and cheers.

Oh ! spirit-glad-ning sight !  
 Oh ! happiness divine !  
 To feel a father's sacred right,  
 To call such cherub mine !  
 A humble name, and lowly state  
 Have been, and still may be, my fate,  
 Yet how can I repine  
 At want of wealth, or fame, or power,  
 While blest with this fair human flower !

We have already given a general estimate of the character of D. L. R.'s genius. Those remarks bore an equal reference to his prose and his poetical works. The spirit of all his writings is there faithfully described ; but we shall be expected to say something in this place about the style of his prose-writings ; and most honestly do we record our opinion that in grace of diction and felicity of expression few writers have surpassed D. L. R. There is a delicacy and refinement, without an approach to coxcombry, in all his essays, which has seldom been equalled. It would be impossible to find in any one of his productions a coarse or vulgar expression. All that he has written bears the impress of an exquisite taste and a cultivated mind. There is no straining after effect, no glaring display of words, no vicious colouring in D. L. R.'s essays ; all is quiet, elegance and subtle grace ; the chaste beauties of his style are in fine keeping with the delicacy of his sentiments ; he offends neither in thought nor diction. He has been a great reader in his day, and his reading is self-evident in his works ; but there is no ostentatious display of it ; it does not look like scrap-book learning. His illustrations are always apt and striking, and seem as though they had been naturally called to his memory by the previous reflexions, which they are made to exemplify, and not, as in the writings of some pedants we could name, as though the reflexion were merely a peg on which to hang a long string of portfolio-preserved book-scrap. There is often great subtlety in D. L. R.'s critical observations and much depth and knowledge of human nature in his moral essays and sketches of character. His reading has been chiefly in poetry, biography and critical history. He is neither a classic, nor a mathematician, nor a natural-philosopher ; but he is a moralist and a first rate critic. We would take his opinion of a poem, or an essay, or a painting, or an actor sooner than that of any person we know. He has his prejudices, as have all critics, whose writings are worth a jot, but they are neither very numerous nor very strong. He is a cordial admirer of such writers as Wordsworth, Shelley, Hazlitt, Keats, Leigh Hunt and Charles Lamb ; but he can read Pope and Addison with pleasure, though he cannot tolerate Johnson's inflations, any where else than in Boswell's book. If we were to liken him to any living writer, it would be to Leigh Hunt *purified of his conceits*. He has less fancy than Hunt, but he has more taste, and though not such a good linguist, he has an equal acquaintance with English literature and full as much critical discrimination. In the *Literary Leaves* there are some able criticisms on Drummond, Pope, Brydges, Mrs. Charlotte Smith and others, as likewise a most subtle enquiry into the character of Shakespeare's *Shylock*. We entirely agree with D. L. R. in the estimate there formed ; there is an exculpatory spirit pervading it, which to us is most pleasant, for we cordially execrate national prejudices. Though in this country, alas ! they are most rife. It would be an injury to D. L. R. to extract a portion of this article, and our limits will scarcely permit us to give the criticism entire. We must seek for quotations in those essays which are more of a moral than a critical nature.

We will take a passage from the essay on *Summer and Winter*, which we have quoted some pages back. The author has been describing the several delights of these seasons in our own country. He then turns his thoughts towards India, and in a fine spirit of cheerful philosophy, endeavours to reconcile his readers to their lot of exile in this land of the stranger. We need not say how cordially we concur in the sentiments herein expressed :—

As happiness then depends upon the right direction and employment of our faculties and not on worldly goods or mere localities, our countrymen might be cheerful enough even in this foreign land, if they would only accustom themselves to a proper train of thinking, and be ready on every occasion to look on the brighter side of all things." *In reverting to home-scenes we should regard them for their intrinsic charms, and not turn them into a source of disquiet by mournfully comparing them with those around us.* India, let Englishmen murmur as they will, has many attractions and enjoyments. The princely and generous style in which we live in this country, the frank and familiar tone of our little society, and the general mildness and equality of the climate, can hardly be denied by the most determined malcontent. It is true that the weather is often, in the summer months, a great deal warmer than we like it ; but if " the extreme heat " did not form a convenient subject for complaint and conversation, it is perhaps doubtful if it so often would be thought of or alluded to. And what climate is without its evils ?

From a triumphant vindication of poetry against the attacks of the Utilitarians, we select the following brief passage, which is, we think, remarkable for its truth :—

Matter-of-fact people conceive poetry to be opposed to truth; because it is chiefly conversant with that order of things and thoughts, which is beyond the range of their own minds. Whenever they attempt to be poetical themselves, they invariably do violence to nature and common sense. If they attempt to paint human passion they are merely bombastic ; their want of imagination renders them at once blind and cold. Nothing can be more false and extravagant than the verses of a literal-minded man.

Nothing could be more strikingly just than these observations, nor more illustrative of the causes, which conduce to the Utilitarians' contempt of poetry. It is one of the most notable tricks, which our self-love plays upon us, to make us despise those qualities in others which we do not possess in ourselves. A lame man will call a dancer a mountebank and say that a puppet can beat him hollow in these merry-andrew accomplishments. The man who has no ear for music will profess an utter contempt for it, and tell an accomplished songster that " he would not give much to be endowed with a faculty, which birds of the air possess in a far greater degree than human beings." A scholar despises a man of the world, knowing himself to be unfit for society ; and the man of the world despises a scholar, knowing himself to be an ass. And the Benthamite feeling conscious that he could not write a couplet of poetry for his life, is pleased to think that it must be a very contemptible accomplishment, because he is unable to arrive at it himself. He is asked if he can write poetry and he replies, in the true spirit of the coxcombical Greek, " No, Sir, I can't write poetry, but I can compose a rationale of education." The truly wise man despises nothing ; *petits maitres* are the most full of contempt.

The following passage is from the Essay " On Children " and very beautiful it is :—

The changing looks and attitudes of children afford a perpetual feast to every eye that has a true perception of grace and beauty : they surpass the sweetest creations of the poet or the painter. They are prompted by maternal Nature, who keeps an incessant watch over her infant favorites, and directs their minutest movements, and their most evanescent thoughts. Beneath such holy tutorage they can never err. They throw their sleek and pliant limbs into every variety of posture, and still preserve the true line of beauty, as surely as a ball preserves its roundness. They live in an atmosphere of loveliness, and, like moving clouds, are ever changing their ethereal aspects, and yet, always catch the light. Even the moral defects of maturer years are often beautiful in childhood and bear a different character. The cunning of the man is innocent archness in the child. Ignorance in the one, is a gross and miserable condition ; in the other, it is purity and bliss. The

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\* " I was ever more disposed," says Hume, " to see the favorable than the unfavorable side of things ; a turn of mind which it is more happy to possess, than to be born to an estate of ten thousand a year."

imperfections that are ludicrous or offensive in manhood, in infancy are inexpressibly engaging. The stammering of an adult, or his mistakes in acquiring a new language, are unpleasant to the most friendly ear, and even lower him in some degree in his own estimation. But the first imperfect sounds and broken words of a child, are as sweet as the irregular music of interrupted rivulets. They stir the heart like magic, and impel us, as it were, in the sudden wantonness of affection, to shut the little rosy portals of the cherub's soul with a shower of impetuous kisses. The garrulity of age is not like the eager prattling of infancy. The child's artless talk can never weary us. Our ears are as tireless as his tongue.

E'en thrice-told tales are sweet  
That cheerful children tell,  
On sounds their rosy lips repeat  
The soul for aye could dwell ;  
Unlike all other things of earth,  
Their winning ways and sinless mirth,  
Still hold us as a spell ;  
In every mood, in every hour,  
They bear the same enchanting power.

Timidity in manhood is degrading, but in a little child it is interesting and lovely, whether he flies from the object of alarm like a startled fawn, or nestles closer in his mother's lap. The coquetry of a woman is vanity and deceit, but in a child it is mere playfulness and innocent hilarity. Every thing connected with childhood changes its nature. Words of abuse become words of endearment. *Imp* and *rogue* when applied to an infant, are soft and fond expressions that fall gracefully from the fairest lips.

The drums and rattles of the child are objects of unalloyed delight, but the playthings of the man are grave and terrible delusions. They goad him with secret thorns that rankle in his heart for ever. Envy, avarice, and ambition, mingle their poison in his sweetest cup. Even his superior knowledge is but a source of evil. It surrounds him with temptations, while it throws a shadow upon all his hopes, and takes off the bloom from life. It is too little for his mind and too much for his heart.

The child, on the other hand, revels in his happy consciousness of present good, and foresees no future ill. He knows neither weariness nor discontent. 'Solitude' to him is sometimes 'blithe society,' and in the thickest crowds, he is as free and unconstrained as in his loneliest haunts. His ingenuous heart is never chilled by the glance of a human eye, nor can he fashion his innocent features into a false expression. His own eyes are as lucid as the breeze-bared heavens. If he reads no 'sermons in stones,' he sees 'good in every thing.' He has universal faith. He discovers nothing evil, and sees none but friends. He gives up his whole being to gentle affections, and a sense of unequivocal enjoyment. He is not what cold age would make him, 'nothing, if not critical.' To him the rise of the green curtain at the theatre reveals a real world. He has ever a tear for the distresses of the heroine, and breathes harder as he gazes, with all his soul in his eyes, on the hero's adventurous exploits. The tricks and conundrums of the clown are never flat, or stale, or unprofitable to him, and he fitly testifies to their merit, when holding his lovely head aside (his cheek as round and blooming as a sun-kissed peach,) he claps his little palms together in an ecstasy of admiration and then turns to the maternal face, as if assured of her hearty sympathy in his delight.

It is a sweet employment to watch the first glimmering of the human mind, and to greet the first signs of joy that give life and animation to the passive beauty of an infant's face, like the earliest streaks of sunshine upon opening flowers. But, alas ! this pleasure is too often interrupted by the sad reflection, that the bright dawn of existence is succeeded by a comparatively clouded noon, and an almost starless night. Each year of our life is a step lower on the radiant ladder that leads to heaven, and when we at last descend into the horrible vault of death, our best hope is that we may rise again to a state resembling the happy purity of our childhood.

From a delightful essay on *Physiognomy* we must quote the fine burst of enthusiasm, with which the article so eloquently concludes :—

How delightful is the study of the human head ! It is a mystery and a glory ! It at once perplexes the reason and kindles the imagination ! What a wondrous treasury of knowledge—what a vast world of thought is contained within its ivory walls ! In that small citadel of the soul what a host of mighty and immortal images are ranged uncrowded ! What floods of external light and what an endless variety of sounds are admitted to the busy world within, through those small but beautiful apertures, the eye and the ear ! Those delicately penciled arches that hang their lines of loveliness above the mental heaven, are more full of grace and glory than the rainbow ! Those blue windows of the mind expose a sight more lovely and profound than the azure depths of the sea or sky ! Those rosy portals that give entrance to the invisible Spirit of Life, and whence issue the

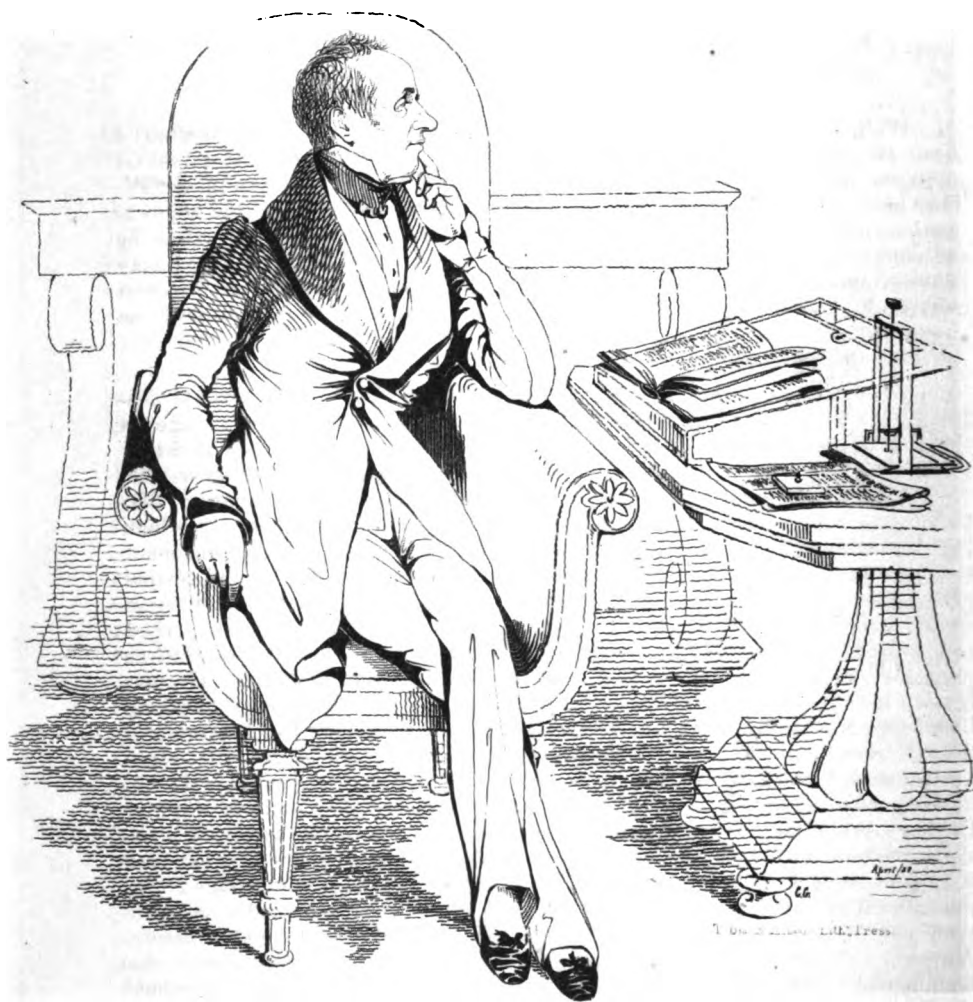


"winged words" that steal into the lover's heart or the sage's mind, or fly to the uttermost corners of the earth and live for ever, surpass in beauty the orient cloud-gates of the dawn ! To trace in such exquisite outworks the state of the interior is an occupation almost worthy of a God !

We have never had the good fortune to hear D. L. R. in his new capacity of lecturer at the Hindoo College ; but well-knowing the fertility of his imagination, the copiousness of his illustrative knowledge, the truth of his critical canons, and the readiness, with which he can bring his extensive reading to bear upon the elucidation of any question, we should think that he is eminently fitted for the responsible situation, which he holds. D. L. R.'s conversational powers are of no ordinary excellence ; he can talk, when it pleases him to do so, in a strain, which would stamp him at once in a stranger's mind, as a man of genius and a great reader. Upon a favorite author, a picture, or an engraving, he is often-times delightfully eloquent and, when speaking of home-scenes and home associations, he is charmingly natural and graceful. He is very little ambitious of display ; he does not aim at being thought a wit ; and he can play with his children, or row in his boat, or talk upon indifferent subjects with as much delight as any body else who has "never seen Wertenburg, never read book." Indeed, we believe, that at the present time, he would rather do anything in the world than write essays or poems. He is the idlest of all idle authors, and it is at all times a difficult task to tempt him into composition. What he has done is nothing in comparison with what he might have done. We doubt whether he has energy of character, and enduring perseverance enough to carry him through a long sustained work. What he does, he does fitfully—it is impossible to keep him "up to his work ;" a sudden thought may cause him to take up his pen, but it is soon thrown away in disgust. Physical causes, more than anything else, have conduced to this instability. He has suffered much from ill-health, and the lassitude of frame which ever accompanies frequent attacks of corporeal pain, produces a corresponding lassitude of mind, which makes us revolt from intellectual exertion. Moreover, there are few occupations in life, of which a man is so soon tired as of writing for the periodical press ; it is, as we well know, from our own experience, one of the most toilsome, the most wearying, the most thankless of all offices. When a man ceases to derive pleasure from "seeing himself in print," all the charms of authorship are gone ; he may enjoy the after-fruits, but he hates the present labour ; he likes to *have written*—but *writing* he detests.

D. L. R. has great satirical powers, but, to his honour be it spoken, he rarely, very rarely indulges them. He has a giant's strength but he uses it not like a giant. Few people have been so long connected with the public press and made so few enemies. He is a good actor, though we do not know that he has ever trod the boards of a theatre. But we have heard him improvise "imaginary conversations" and imitate not only the tone of another's sentiments, but also his style of language and his mode of speaking to the life. He is an excellent judge of paintings and was himself once no mean proficient of the art. Most of the criticisms on the fine-arts in the *Weekly Review* are by D. L. R., and they are admirable for their discrimination and truth. When in England he was intimately associated with many of our most eminent writers and artists, but here he goes little into society. He does not like the trouble of it. He is hospitable himself and would much rather meet his friends in his own house than any where else. He is uniformly kind and courteous, and all who know him, must love and esteem him for his amiable qualities and his moral worth. *As a man*, his character is unimpeachable. No one has breathed a syllable against it. In all the domestic relations of life he is every-thing that a man ought to be. And with this we conclude our attempt to do justice to D. L. R. Others might have done it better, but we have done our best ; and whatever may be our faults of commission or omission, what we have written is, at all events'—TRUTH. There are few, who will be disposed to gain-say us.





Yours very truly  
Jas Sutherland

# BIOGRAPHICAL SKETCHES.

## No. II.

### James Sutherland, Esq.

We need not repeat what has already been urged in the first number of these Biographical Sketches, upon the difficulty and delicacy of the task of preparing memoirs of our contemporaries in such a limited community as this. The considerations alluded to can hardly fail to present themselves to the minds of our readers. It happens, fortunately enough in the present instance, that the subject of our notice is so great a lover of truth and fair dealing, that we may venture to aim at the strictest impartiality of comment, without the remotest chance of incurring his anger or ill will. In saying this, we begin, with as handsome and well-merited a compliment as can well be paid to the character of his heart and mind.

Mr. Sutherland was born on the 10th of March, 1794. He was not destined to spend much of his life in the lap of luxury, for at the early age of fourteen he went to sea and served about seven years in the Navy as a midshipman. Four years of that period he spent on board the *Acasta*, a dashing frigate, commanded by Captain Ker, one of the greatest tars in the navy. Mr. Sutherland was on the American station during the whole of the war which commenced in 1812. The ill-treatment he witnessed and experienced on board the *Acasta*, made his soul revolt against tyranny and oppression, and tended perhaps more than any event of his after-life, to instill into his mind those liberal opinions, which time and reading and observation have only served to confirm. In 1815 the war with America being at an end, the frigate was paid off; and, in the following year, Mr. Sutherland came to India. He first resided for some time at Madras. He then proceeded to Columbo, where he lived for some months with a relation, who was Secretary to Government. Shortly after this, he entered the Country service, first at Bombay, and afterwards at Calcutta, out of which latter port he commanded several vessels. In his different voyages he occasionally visited the Persian Gulph, Bombay, Madras, Ceylon, Achin, the Straits of Malacca, and Rangoon. He thus acquired a familiar acquaintance with oriental localities that was probably often of use to him in his subsequent editorial career. His first connexion with the Indian Press commenced in 1818, when he joined his friend Mr. Buckingham (who had also been a sailor from his early youth,) in the office of the celebrated *Calcutta Journal*. Mr. Sutherland had come round from Bombay to Calcutta in a ship commanded by Mr. Buckingham, and they then formed a friendship for each other, which, notwithstanding the separation of their interests, continues, we believe, unbroken to the present day. Mr. Sutherland always expresses himself in the warmest terms of his friend's conduct toward himself and others in private life. He did not, however, on this occasion, remain long connected with the *Calcutta Journal*, but was induced to accept a situation in a mercantile office. In 1820 he married, and, in one year after, again trusted himself and his fortunes to the sea. He was in command of a small vessel, of which he was half owner. Having been unfortunate in this speculation, he sold off the vessel, and once more became a landsman. Some proposals were made to him at this time to connect himself a second time with the *Calcutta Journal*, which was then (in 1822) in the zenith of its prosperity. For some reason or other he declined these proposals, and the negotiation was broken off; but when, in the beginning of 1823, Mr. Buckingham was so tyrannically ordered out of the country, the negotiation was renewed, and Mr. Sutherland, waiving every objection, joined the office as reporter and contributor, although he foresaw and predicted that the

paper would be soon suppressed. First, a list of all the Europeans connected with the establishment was demanded and obtained by Government, then Mr. Arnot, who was a leading writer in the paper, was banished; and, finally, in November of the same year, the journal was suppressed, and Mr. Sutherland again thrown upon his own resources, with the loss of a comfortable salary. He remained for some time in charge of the property of the *Calcutta Journal* establishment, of the sale of which by public auction he published a very interesting account, full of sentiment and feeling. After having assisted Dr. Muston to get up the *Scotsman in the East*, Mr. Sutherland again resumed his old profession of the sea, and in command of a ship of 520 tons he made a voyage to Madras, whence he conveyed troops to Rangoon, and was present at the taking of that place. In September, 1824, severe illness obliged him to give up this command, and he returned to Calcutta, where he soon obtained the command of a ship of 700 tons; but domestic considerations induced him to relinquish the appointment and accept a confidential situation in the office of Messrs. Alexander and Company. It is but fair to conclude from the readiness with which he was entrusted with the charge of valuable ships that his professional skill had raised him into notice, and gained him the favor and confidence of his employers. While in the mercantile office just mentioned, he was solicited to assist the proprietor of a small paper of one sheet, with an occasional contribution. He did so; the articles took, and the paper, *The Columbian Press Gazette*, was published twice, and afterwards thrice a week. Mr. Sutherland then became the editor and the circulation rapidly increased. The name of the paper was changed to the *Bengal Chronicle* with the motto of *Florate Libertas!* The Government had more than once objected to the freedom of the editor's observations, and were particularly offended by a satirical article on a despatch relative to the island or rather sand-bank of Shapoorree. They were also greatly irritated with the editor's allusion to their second warning, to which he applied the quotation of "*And twice the bridled cat hath moved.*" At length the Government announced to the poor proprietor of the paper, that it would be suppressed on a certain day. Mr. Sutherland averted its fate by avowing the authorship of the most offensive articles and engaging to discontinue his connexion with the paper. On this condition the *Bengal Chronicle* was permitted to continue, and Mr. W. Adam succeeded Mr. Sutherland as editor; but as he and the proprietor could not entirely agree, the paper was sold to Mr. Samuel Smith, and not long afterwards became a tri-weekly edition of the *Bengal Hurkaru*, as indeed it still continues under the new or additional title of the *India Gazette*, since that paper was incorporated with the *Hurkaru*. By his resignation of the editorship of the *Chronicle* Mr. Sutherland was a considerable loser.

In January, 1826 (or 1827,) Mr. Adam started the *Calcutta Chronicle*, and Mr. Sutherland joined him as co-proprietor and co-editor. The success of the paper surpassed their most sanguine expectations, but on account of some remarks on the question of the Calcutta Stamp Act, Lord Combermere suppressed it; and Mr. Sutherland was again a heavy sufferer in the cause of the Freedom of the Press. The public sympathy was expressed on this occasion, and we believe a subscription to indemnify the editors was commenced, but if we recollect rightly, from some cause or other it did not proceed. If any man in India has a claim upon the gratitude of the friends of liberty, it is Mr. Sutherland, who has never hesitated for a moment to risk his prospects in life in the practical illustration of his respect for freedom of discussion. Throughout his editorial career he has been distinguished for the manly courage with which he has exposed and reprobated every act of the ruling authorities that seemed in his opinion to trench upon the rights of freemen. Though naturally of a gentle and forgiving temper, and possessing a great deal of the milk of human kindness, he has evinced the utmost firmness and decision and even sternness in his maintenance of all the great principles connected with the liberty of mankind; and, we believe, that no considerations of personal friendship or of his own self-interest have ever induced him to waver for a moment in the strict performance of his duty to the public. This is the more creditable to him, because in a limited society like this, such a course of undeviating

integrity and fearfulness of comment, exposes a public writer to the unrelenting ill will of many individuals with whom he is perpetually exposed to the chance of coming into personal contact in private life. We really think that in this the hour of its triumph, so bold and disinterested an advocate for a Free Press ought to be honoured with some peculiar distinction, and that he ought not to be confounded with that crowd of pretended friends who kept very snugly in the back-ground in the heat of the battle, though they have come forward to swell the shout of victory now that the danger has passed away.

In the latter end of 1837 Mr. Sutherland became editor of the *Bengal Hurkaru*, which, under his management rose from a sale of 300 to that of 800. In less than two years after his acceptance of this appointment, he was compelled by ill health to go to sea, and embarked in the *Louisa*, Captain Clifton, for the Straits. The vessel left Calcutta in the morning under tow of a steamer, and at nine at night struck on a sand bank below Kedgeroe. The passengers left the wreck at daylight next morning in a boat belonging to an Idiaman, and Mr. Sutherland was so weak that he was assisted out on the bowsprit from which he let himself fall into the boat as she rose upon the swell of the sea. He afterwards proceeded to Penang in the *Donna Carmelita*, and returned to Calcutta in the *Mercury* in 1830, when he resumed his duties as editor of the *Bengal Hurkaru*. He soon, however, became so ill again that his medical advisers insisted on his going to England. He embarked in the same ship with his friend Rammahun Roy, of whose proceedings and first impressions on the voyage and on his arrival in England he contributed a highly interesting account to the *Calcutta Literary Gazette*. Mr. Sutherland returned to India in January 1833, but owing to some arrangements made in his absence, he did not resume his situation as responsible editor until several months after, though he gave his assistance in filling the editorial column. When he became again sole editor of the *Bengal Hurkaru*, he also undertook the management of the *Bengal Herald*, in which appeared some of the very best articles, literary and political, that he ever produced. He soon made the paper highly interesting and popular. The literary articles in the *Herald* from the pen of Mr. Sutherland appeared under the different signatures of A WANDERER—A COSMOPOLITE—A CYPHER—A MOPUSSILITE IN CALCUTTA, &c. &c. The papers entitled "*The Council of Three*" were originated and continued by him until February 1836, when he resigned the editorship of the *Hurkaru*; and, on account of the illness of his lady (which we lament to add terminated fatally) he proceeded to China. During his editorship of the *Hurkaru* he had no regular assistance, though very able articles were sometimes contributed by his friends. On these occasional contributions, however, no editor can much depend, for they often drop in upon him when there is no dearth of matter, and are not always to be had when most required.

On his return from China in December 1837, he was appointed Professor of English Literature at the Hooghly College, a situation for which he is admirably fitted by his love of literature, his natural talents, his excellent judgment, his kindness of heart and his suavity of manner. The ill health which compelled Mr. Sutherland to visit England in 1830 was chiefly occasioned, we believe, by over exertion. As the *Bengal Hurkaru* had at that time no regular reporter, he undertook to report himself the important proceedings in the Supreme Court on the stamp question; and was for many days in court from nine in the morning until five in the evening. He had the heavy and anxious business of the responsible editorship besides, without any certain aid from other pens; and was engaged writing out his notes after the labours of the day, until one and two o'clock in the morning. Mr. Sutherland's physical frame is none of the firmest, but his energy of mind and his warm enthusiasm have enabled him to go through a degree of labour from which many a stronger man would instinctively have shrunk. It must be acknowledged, however, that the perpetual excitement of an editorial life on a naturally sensitive temperament has at last worked very severely upon his constitution; and it is fortunate for him that he has since been enabled to withdraw from all responsible connexion with the Press, and adopt a profession that occasions much less anxiety and no distraction.

It is now our duty to characterize, to the best of our judgment, Mr. Sutherland's merits and defects as a public writer. It is as a politician that he is best known and most appreciated, but he has contributed literary papers of great merit to several of the periodicals that have issued from the *Bengal Hurkaru* Press. His pen has been employed occasionally in the *Calcutta Literary Gazette*, and *Calcutta Magazine*, when those periodicals were edited by Capt. Richardson, and to the literary department of the *Bengal Herald*, when under his own management. From a strange diffidence (strange in one who had been no long before the public,) he could never be persuaded to write for the *Bengal Annual*, partly because it was a regulation imposed upon the writers in that work to affix their names to their contributions, and partly from a supposition that something of greater pretension than the articles in an ordinary periodical were required for a publication which, as it appeared to him, took a somewhat higher stand than anything of a purely literary nature that had yet appeared in India. However, it is quite certain that amongst the contributors to the *Bengal Annual* there were a great many individuals infinitely inferior to Mr. Sutherland in general knowledge, and in experience and power as a writer. Though Mr. Sutherland went to sea at the age of fourteen, he had up to that period received a classical education, and those fruits of his early studies that had escaped his memory in the early part of his career in life, he has since recovered by self-instruction. He had made some progress in Greek and Latin in the school-room, and in after-life he retrieved and improved the acquisitions of his youth, and added to them the knowledge of the French and Italian languages. We allude to these subsequent studies as highly creditable to a man who had left school so early, and plunged so suddenly into a rough and active life, but we have no wish to represent Mr. Sutherland as a great linguist or a man of profound erudition, because we are quite certain that he himself makes no pretensions of this nature, and his unaffected modesty and love of truth would be offended by any attempt upon the part of his friends to overrate his scholastic acquirements. Indeed that want of exactness and precision in his classical knowledge, which is thought to be characteristic of a selftaught man, was occasionally betrayed in the Latin quotations which he was too much in the habit of thrusting into his newspaper editorials. These scraps of Latin furnished matter for a joke to the editors of the *Meerut Universal Magazine*. They noticed as an extraordinary event, that several numbers of the *Hurkaru* had been received in which "*Risum teneatis amici*," was not quoted. We are not aware that Mr. Sutherland was guilty of the "*damnabile iteration*" of this particular phrase, but it cannot be denied that he was addicted to the unnecessary quotation of Latin sentences; and, indeed, this habit was so much remarked that he acquired the title of the *Latin Editor*. Unfortunately too, his quotations were sometimes incorrect; and, when his mistakes were pointed out, as they often were, in a very offensive and ungenerous tone, in the hurry and irritability of the moment, he frequently plunged into greater confusion in endeavouring to defend or excuse his first errors. Quotations from a dead or foreign language, unless when they are singularly apposite, and illustrate the writer's meaning with greater elegance or force than could be conveyed through the medium of his mother tongue, have always an air of pedantry and ostentation. If an author's pages are sprinkled too thickly with quotations, even when the borrowed shreds are in the same language as the original composition, the entire texture forms a kind of patchwork that is anything but agreeable to a reader of true taste. But when these quotations are in a foreign tongue, and yet have become stale and wearisome, even to the unlearned reader, from their perpetual repetition in the mouths of schoolboys, and are moreover merely different versions of thoughts and maxims as familiar as household words to every civilized nation, and are equally well expressed in plain English as in any other language, it is scarcely possible to express too strongly the contempt and aversion which they naturally excite in the admirers of a simple and unaffected style. We are compelled to confess that some of Mr. Sutherland's articles were greatly injured by an error of the nature just described, and this addiction to frequent and useless Latin quotations was the more offensive as it was chiefly displayed in the columns of a daily journal, which like every other newspaper was addressed to readers of all classes, the majority of whom were probably unable to translate the quoted sentences even with

the aid of a Latin dictionary. To such readers these foreign ornaments were perfectly hieroglyphical, and a kind of insult to their capacity;—and indeed many of those persons who had received in their early youth, a classical education, might have sometimes found the quotations a tax upon their memory which they could not directly meet. A daily newspaper should deal in no remote or learned allusions, and should have nothing in its style that is likely to irritate or perplex a reader of ordinary acuteness and intelligence. It should aim at the utmost clearness and a manly simplicity. A highly ornamented style or a display of learning are quite out of place in an ephemeral sheet that is handed from the palace to the cottage,—from the lady in her elegant *boudoir* to the servants in her kitchen,—from the table of the public library to that of the public pot-house; and, after the busy circulation of a few hours, is thrown aside and is utterly forgotten.

We are rather puzzled to account for Mr. Sutherland's having in some degree exposed himself to the application of these strictures, for we never met with an individual who had been so long and so successfully before the public as a writer, who seemed less likely to be guilty of any thing like pedantry or ostentation; and we have often heard him in his general remarks upon different styles, express his objection to too great a display of learned quotations. Though he was conscious of his own error, a strange inveteracy of habit led him to continue it in the very teeth of his own criticism. While on the subject of his defects as a writer, we may as well advert to other matters of objection, and get rid of the disagreeable part of our task as speedily as possible. There is occasionally some degree of grammatical inaccuracy, and more frequently a want of polish, harmony, and precision in his sentences. They often require *rounding*, and conclude feebly or clumsily with some misplaced adverb or a cluster of insignificant monosyllables. But these defects arise entirely from the extreme haste with which almost all his articles have necessarily been written; and, as no man is less inclined than he is to pride himself upon the celerity with which he writes, it would be extremely unfair and ungenerous to withhold our indulgence from his imperfections of this nature. In the following passages which occur in one of the numbers of the series of papers entitled "*The Council of Three*" published in the *Bengal Herald*, he has very justly expressed his contempt for those writers who boast of the little time that they have devoted to the productions which they offer to the public.

JACQUES.—Quickness of thought is the thing desirable, but you cannot be too laborious in your correction of the language in which it is expressed. Your author who vaunts that he never alters, seldom writes anything worth altering. I have no patience with the impertinence of a writer who claims your admiration for his production, because he scribbled it off without correction. If a man write from necessity and has not time for correction, then of course we excuse him; but the egregious vanity which boasts of sending forth a production with "all its imperfections on its head," without altering a line or a word, is disgusting, and a certain sign of a superficial scribbler. If I find anything of that kind stated in the preface or at the end of a work, if I happen to see it ere I begin to read, I throw the thing away at once, certain that it is worthless.

COSMOPOLITE.—A vaunt of that kind, amounts to this. Behold I am a cleverer fellow than Addison, Pope or Dryden—they corrected, I write off at once, *sape ducentos versus in hora*. My soul sickens at the very sight of the trash of your *stans pede in uno* gentry.

SUAVITER.—Let us leave them then to the oblivion they merit.

"I hate," says Hazlitt, "those nonsensical stories about Lope de Vega and his writing a play in a morning before breakfast. He had time enough to do it after." The public have no right or inclination to enquire how long a man takes to prepare for them a certain degree of entertainment or instruction; but they naturally expect that he will devote the necessary time and pains to a work for which he claims their gratitude and applause. The arrogance and self-conceit that prompt a writer to inform the public how little time and pains it costs a person of his powers, to edify or delight them (a public who have within their reach the works of Shakespeare and Bacon and Milton and a host of other mighty and immortal spirits) is inexpressibly offensive and disgusting, and cannot be too often noticed with unqualified reprobation. All that is of real interest to the public is the *quality* of what is offered. But though Mr. Sutherland has too much modesty and good sense to boast of that which was a misfortune to him—the necessity of writing with the utmost expedition—it is but fair to mention that very few men have exhibited the same facility of composition, or could have written half so well amidst the hurry, the noise,



and interruption that often attended the preparation of his editorials for the *Bengal Hurkaru*. He has been known to write in the utmost haste some of his longest and most spirited articles, while his desk has been surrounded by friends talking amongst themselves, and occasionally referring to him about matters totally extraneous to those upon which his mind was then engaged. This extraordinary facility of composition, which we never saw equalled, and the readiness with which he took up any subject that occurred, however foreign to his own particular pursuits or studies, peculiarly adapted him for the situation of a daily editor. It would be preposterously absurd and hypercritical to dwell with minuteness or severity on the occasional inaccuracies of style in articles thus unexpectedly called for, and hastily produced at the spur of the moment. But even if this unjust and uncalled for criticism were exercised upon Mr. Sutherland's editorials, we do not believe that a much greater number of errors would be discovered than might be found in the columns of other newspapers, even where they have been edited with more deliberate care. Making due allowance for the imperfections inseparable from the extreme haste with which they were prepared, we think Mr. Sutherland's articles in the *Bengal Hurkaru* deserve very high commendation; and the fact that the paper was in its very height of popularity during a period in which he conducted it, is a sufficient indication of the approbation of the public.

We believe we have now adverted to all Mr. Sutherland's faults as a public writer, except two, and these are, in the first place, a violence of language when in collision with his opponents, and a disposition to overrate the qualities of his friends. We are not sure whether we cannot turn both these errors into a fair compliment to Mr. Sutherland's character. In the first place he is beyond all comparison the most honest, the most zealous, and the most disinterested politician with whom we are acquainted, and it is this honesty, zeal, and disinterestedness that makes him put his whole heart into what he writes, and renders him utterly regardless of all those considerations which are apt to modify the tone and language of men of more discretion, but less sincerity. Mr. Sutherland defends a great public principle with the same earnestness and resolution with which other men defend their own property or reputation, and this makes him look upon any writer who attempts to controvert what he has been accustomed to regard as a sacred popular right, or a great moral truth, with something of the same feeling which influences ordinary men towards their personal opponents. The utmost that can be brought against him on this account, is the charge of being something of a bigot in the cause of truth and freedom; and yet in his calmer and more philosophical moods he can make very generous allowances for errors of opinion. In a very elegant and able criticism upon Leigh Hunt, suggested by a perusal of the *London Journal*, Mr. Sutherland has made some observations upon the injudicious violence of some of the friends of truth, that are full of a generous and noble philosophy. They are so pleasant a specimen of his best style, that we shall lay them at once before our readers.

The longer we live, the more we are convinced that the cause of truth is continually injured by the friends of truth—that they do not make sufficient allowances for the prejudices of mankind in which they participate in common with their adversaries—and for the anomalies of the human mind—causes which sufficiently account for many of those differences of opinion and those fatal mistakes, which have prevailed or been committed in all ages and in all countries. For our part we can believe that even some of the holy inquisitors who presided at an *auto da fé*, were kindly hearted and making a sacrifice of their feelings to a sense of duty. In short, we are of opinion, that nothing is lost to the cause of truth by generous constructions. Without going back to remote periods for examples, we need only mention Lord Castlereagh, who could order his fellow subjects, men, women and children, to be ridden over or sabred by dragoons with the greatest *sans froid*, yet was nevertheless an amiable and agreeable man in the private circle, so much so that Lord Byron's unfeeling allusion to the tragical termination of his life excited indignation in the minds of many most opposed to the politics of the deceased statesman. What injury could it ever have done the cause of liberty—to have given him credit for the purest motives? We shall find reason for this charitable construction if we look back into the histories of our own and other countries. True, we shall see that these might have suggested lessons of moderation—better answers to the appeals of the people—better more humane and rational modes of tranquilizing even a tumultuous though unarmed multitude than the sabre and the musket; but then if we compare the system which created our discontent, bad as it was, with other systems which had endured so long, which even then existed in other countries, may we not well suppose that a pampered aristocrat, taught from his very cradle to despise the people and dread the hydra democracy, might conscientiously believe that we had advanced to the

extreme limit of freedom—that another step would bring us to anarchy and revolution. Do we not, moreover, find in the history of the past, lessons written in characters of blood against the want of that charitable construction for which we are contending? The mistakes of the enemies of freedom have been great and most fatal in their effects; for the enemies of freedom have been in so many cases the wielders of power, and their systems have endured for centuries; but then when the reaction which sooner or later overtakes such errors, ensues, is it no advantage to mankind that the winners of the victory of the righteous cause should be merciful to the vanquished? Shelley, whose love for mankind made him shrink from the very name of vengeance and reject even a pure faith because by a too literal interpretation he conceived it to assign vindictive passion to the Deity, thus, in his *Masque of Anarchy*, expresses our idea, or rather our desire that there should be none of this dreadful retaliation:—

Then it is to feel revenge  
Fiercely thirsting to exchange  
Blood for blood, and wrong for wrong;  
Do NOT THUS, WHEN YE ARE STRONG;

but if no allowance is made for human prejudice instilled into our minds in the very cradle—if men are confounded with and condemned for systems, and held up to public odium as objects of revenge, how is it to be hoped that when the hour of reaction comes the voice of reason and mercy will be heard? What a terrible lesson to both parties was the first French Revolution. Patient and long suffering had the people been, and melancholy indeed was their condition even under a more humane monarch and a milder system than their ancestors had groaned under—yet with all the horrors of that revolution, how few enlightened and unbiassed men will now be found to deny that if the dreadful system which produced that reaction could not have been got rid of without those horrors, the destruction of it would have been cheaply purchased even with so much blood; but it might have been if the distinction between men and systems had been more generally understood; and if it had been earlier inculcated by some of the intelligent leaders in the revolution, who afterwards suffered for their humanity, would liberty have lost any thing?—quite the contrary; and that truth we have seen recognized and acted on in the last French Revolution, where such was the aversion to sanguinary punishment that even ministers convicted of high treason against the laws and liberties of the country, were spared—and wisely too as well as humanely. The world, in short, is beginning, as Leigh Hunt says, to find out what dreadful mistakes these visitations of vengeance are.

It will be seen by the above passage, that Mr. Sutherland can write with accuracy, elegance and force, whenever he chooses to take the necessary time and trouble; perhaps indeed the specimen of his style just quoted may be regarded as a proof that he can write well even when he writes in haste; for we are by no means certain that the above was composed with much deliberation.

A person unacquainted with Mr. Sutherland, might be disposed to judge harshly of his temper, from the occasional violence of his editorial comments, but this judgment would be quite erroneous. A kinder or more generous hearted man it would be very difficult to meet with; and we should venture unhesitatingly to pronounce any person to be cursed with a singularly quarrelsome disposition, who, in the intercourse of private life, should discover any cause of serious difference with such a man as Mr. Sutherland. With respect to the opposite error of overrating his friends, it is scarcely possible to speak of it with reprehension; it is a fault so nearly allied to virtue. But though he is disposed to run into extravagance in characterizing the good qualities of his friends, and to turn every criticism upon their productions into an unqualified eulogium, his lavish praise is not exclusively confined to his personal associates. Whenever there is no great public principle in question, and no moral truth in danger, his criticisms are invariably conceived in a generous and indulgent spirit, evincing a far greater zeal to discover beauties than to point out faults. In the further expression of our opinion of Mr. Sutherland's political editorials, we shall simply observe, that they generally maintained with correctness and force, the cause of truth and freedom, and always exhibited a leaning in favour of large masses of mankind, in opposition to the privileged and powerful few; and that with the exceptions of the defects we have already mentioned with a freedom that may justify us in expecting full credit for the sincerity of our praise, we think, they may fairly be characterized as very spirited, able, and effective political compositions, and much above the average of newspaper writing. Of Mr. Sutherland's literary and miscellaneous compositions the public know but little, because his modesty has always induced him to publish his contributions to the different journals under various fictitious signatures. We cannot award him the praise of much originality as a writer, for he rarely strikes out any thing like a new thought, but he frequently illustrates and enforces just sentiments with both elegance and vigour. He is very fond of poetry, and has even written some few verses himself, but he has never thought them worthy of publication. As specimens of his literary criticisms, which are generally acute and sound, though often expressed in a tone of less confidence than his political speculations

in which he seems to have felt himself on firmer ground, we lay the following extracts before the reader. The first is from some remarks on Mrs. Shelley (in the papers entitled *The Council of Three*\*), the second is from a notice of Leigh Hunt, and the third is on the character of Captain Marryatt as a novelist; and no one has a better right to speak of the merits of a sea novel than Mr. Sutherland.

SUAVITER.—I am glad to hear you admit that novel reading is delightful; but tell me have you read Mrs. Shelley's *Lodore* that and if so what is your opinion of it?

JACQUES.—I have read that novel and consider it worthy of Mrs. Shelley's reputation. If there be less of creative power displayed in it, there is more of the simplicity of nature—not that Mrs. Shelley departs from the natural except when her purpose to do so is avowed and her object by the introduction of the supernatural to develop in a more striking manner the passions and feelings of humanity, as in her *Last Man* for example, though you are carried far beyond the verge of the probable, you have still characters whose actions are strictly natural and whose feelings and miseries entirely command your sympathies. Even in the works which develop the wildest creations of her imagination you have still this essential feature. Mrs. Shelley in *Lodore*, however, has limited herself to a fiction in which she exhibits only characters and events which have all a *vraisemblance* that gives them the force of reality. It is an interesting tale and the characters are drawn with masterly skill,—some of them a little too highly wrought, perhaps, but still powerfully drawn; and the style is so much exalted above the ordinary commonplace of novel writing—so eloquent indeed in many passages, that the novels of other writers, authors of some repute, sink into insignificance by comparison. The common fault of novelists is that they divide their characters into extremes, which though not out of nature do not frequently come together in the same circle in society. We have a heroine almost angelic—a hero scarcely less exalted above human frailty—and only not a saint, because he must be a hero—an intriguing female—an abandoned *roué*—and parts minor in importance but greater in villainy. The principle of these novels indeed is contrast—like Martin's pictures all light and shade—they are all stygian gloom, or heavenly glory; and the difficulties and distresses of the heroines and heroes are all the result of palpable deviations from the obvious dictates of common sense.

SUAVITER.—I remember that struck me as a great fault in the earliest novels I ever read—Miss Burney's. There are several instances in *Cecilia* in which nothing but the most palpable disregard of common sense could have led the parties into the difficulties and miseries they encounter.

JACQUES.—Mrs. Shelley in general has better taste than this. In *Lodore*, however, there is, I think, something like a near approach to this vile fault in one instance. Villiers, for what possible cause I cannot discover, never delivers *Lodore's* last message to his wife, but leaves her under an impression produced by the will made twelve years before that her husband resented her conduct to the last. Much misery resulted from the non-fulfilment by Villiers of this sacred duty, and no rational cause is developed for the neglect of it. Eventually the noble conduct of *Lady Lodore* sets all right, but much distress is caused in the interim, a period of several years.

COSMOPOLITE.—Altogether, however, the novel has added to Mrs. Shelley's reputation. "What think you of the character of Fanny Derham, whose subsequent history we are to have hereafter."

JACQUES.—It is impossible not to admire the character. In some points of it, it seems to be Mrs. Shelley's, and I could almost fancy that in *Horace Saville* she had pictured Shelley—Imaginative—given to deep metaphysical studies—amiable in his nature—unhappy in his first marriage—but this may be fanciful; for in his fortunes *Horace Saville* bore no resemblance to him whose image is enshrined in Mrs. Shelley's heart—of whom perhaps she might truly say,

And more thy buried love endears  
Than aught except its living years.

#### LEIGH HUNT.

If there be any wisdom in endeavouring to make men more contented, to persuade them that this goodly earth is really something better than a sterile promontory, then is Leigh Hunt wise—if there be any utility in teaching that moral alchemy which enables us to extract the beautiful or the agreeable even from circumstances or materials the most unpromising, then is he useful—and if there be any charity in ascribing the best motives to those who differ from us in religion or politics, then is he charitable; for he has displayed more of this wisdom, utility and charity than any living writer, or than any writer, indeed, that we are acquainted with. He is indeed a true Benthamite philosopher, though his manner of teaching differs from that of the great Master, blending the useful and the agreeable with such a delicate and delightful tact that they harmonise like the heavenly hues of nature in a sunset sky.

Leigh Hunt's philosophy is the very opposite of the *nihil mirari*—a keen perception and an ardent love of the beautiful and the good is evident in all he writes. He is not only happy in himself, however, but it is his aim to make others happy by imparting to them in the most delightful manner the consolation which his power of developing the beautiful and the agreeable has afforded him in many trials, under which minds not imbued with his divine philosophy must inevitably have sunk.

\* These papers often contained sensible remarks, and evinced no ordinary talent, but the interlocutors were "three single gentlemen rolled into one;" they wanted individuality. Mr. Sutherland has not the dramatic faculty, and if he had introduced fifty personages into his council, they would only have been so many repetitions of himself.

## CAPTAIN MARRYATT.

*Editor.*—He has neither the learning nor perhaps the graphic power of Smollett in delineating the human character, but he is a delightful writer, and I have heard men of your profession say, that some of his descriptions in *Peter Simple* surpass any thing in the same line in the works of any living writer, not excepting Cooper the American—the club-hauling for example. What say you?

*Nauticus.*—I entirely agree in that estimate of his literary character. He is the best nautical novelist of the day out and out; and I doubt his inferiority to Smollett except in learning. Some of his sketches of naval character are equal to any thing in that author, only readers in general do not feel their force so much owing to the vast change which naval manners have undergone since Smollett's time. The naval characters of the present day do not present so many prominent features for the grasp of genius. Every landsman, for example, feels the force of the ludicrous in the description of *Lawser Trunion's* beating to windward to church, tack and half tack across the read, owing to the broad contrast here presented between the manners of the sailor and the landsman; but the admirable touches of character in Marryatt's novels are less apparent owing to the change of which I have spoken. His *Peter Simple* is a character, I will engage, drawn from the life—nay I have actually known such a character, and some of his miseries while he was yet a *Johnny raw*, are such as probable every naval officer has felt. I know I have, *quæque ipse miserrima vidi, et quorum pars magna fui*. Chucks the Boatswain is nearly as well drawn, a little too highly coloured perhaps. That description of club hauling the frigate is indeed admirable altogether, though a little faulty on one point if I am not mistaken. It is a manœuvre, however, of rare occurrence. A lawser is generally bent to the anchor, I believe, and brought aft round the stern in through one of the weather quarter ports to the capstan, a sufficient range being left for the depth of water, the after yards are hauled as usual when the ship is head to wind, and when she begins to cast on the other tack, the cable is cut, and the lawser hove taut to check her round. Excuse this technicality, but I believe Marryatt swings all his yards at once, and without a lawser does not cut his cable until broad on the weather bow, that is after the ship has cast or paid off two or three points—dangerous experiment, but in all other respects possibly in this also, for I am very likely wrong, the description is equally beautiful and faithful. There is nothing that comes near it in any sea novel. Marryatt is almost always accurate in his technicalities though he is never pedantically technical, so to speak. Cooper is; and yet he has made some strange blunders for a sailor. He is not always a seaman on paper as well as afloat—Marryatt always is.

*Editor.*—But what do you think of *Jacob Faithful*?

*Nauticus.*—As a whole I like it better than *Peter Simple*; perhaps you'll be surprized at that since there is more of naval life in the latter.

*Editor.*—I am surprized, and I can tell you that the town by which I mean London and not the city of palaces, is all against you—but your reason?

*Nauticus.*—Why, you must bear in mind first that I speak of *Jacob Faithful* as compared with *Peter Simple* as to the entire works. There are passages in *Peter Simple* which have no equals by many degrees in *Jacob Faithful*: but in the former the interest frequently flags and some chapters are abominably dull; while in *Jacob Faithful* this is never the case: there are always incident and character which excite interest and fix attention. Some of the characters indeed, are overdrawn—that of the old *bargaman* especially is out of keeping; not that he sings to many snatches of old songs, but that many of them are of an order which is yet rather above the galley or the forecastle, the localities in which he may be supposed to have studied his lyrics. I admit, moreover, that the *Dominie* is a bit of a bore, but far less so than the original, with all reverence and submission to the memory of the Wizard of the north, be it spoken; but *Mary Stapleton* and *Tom* are exquisitely drawn, and so is old *Captain Turnbull*. *Jacob* himself is too much of a stoic: it is scarcely in nature that a young fellow like him should, by a scarcely defined *penchant* for little Sarah, when he had reason to believe too that as to her he

Might as well have loved a bright particular star

And thought to wed it,

have been guarded against falling incontinently in love with such an attractive girl as *Mary Stapleton*. The story sets out almost with a romantic incident, and altogether is, I think, the best—by far the most interesting of these two naval novels.

Some of Mr. Sutherland's best miscellaneous papers are on subjects connected with the sea. His old profession seems to have left a deep and vivid impression upon his mind, and he is never more agreeable as a writer than when he indulges in his oceanic reminiscences. His narratives of events at sea are obviously from the pen of one who has seen and felt what he describes, and they are consequently characterized by that air of life and reality that we so rarely meet with in the pages of the novelist. We shall give a specimen or two of what we may call his naval articles.

## THE DETAINED VESSEL.

A winter's cruise in the British Channel has been often described; but except for the harrassing duty it sometimes demands, it is not to be compared in severity with a winter's cruise on the American coast. The north-west gales which prevail there,—though being off the land, they do not cause such a sea as is produced by a breeze in the Bay of Biscay, the water being comparatively smooth,—occasion such an intensity of cold in the air, that coming in contact with the warmer temperature of the sea, it causes a sort of steamy exhalation to arise from the whole surface of the ocean, the icy cold humidity of which, is so sharp that it chaps the skin, cuts like a razor, and is hence called "the Barber." The thermometer in these gales often falls to zero, and those who have been on board ship

In even ordinary winter weather, may judge of the pleasures of a cruise in such an agreeable climate, and the especial delight of reefing top, sails, when the ship at every plunge, is what the sailors call making candles, that is to say, that the water dripping from her *dolphin-striker*, is frozen as it descends, and hangs down in long glittering pendicles, as if, as Rogers would say, "the chemist's magic art had crystalized the sacred treasure," alias the salt spray. At such a time, the reef points of the top-sails are like so many bars of iron, and the canvass, with the moist atmosphere absorbed by it completely frozen, is more like so many deal boards nailed together, than hempen cloth, while the hands which are to gather up this very pleasant material on the yards, are as cold and stiff as those of one of the marble figures in Westminster Abbey, or St. Paul's. To cruise in such weather, and to perform such duties in it, are what may be called seeing service, to which fighting and "seeking the bubble reputation even in the cannon's mouth," are indeed enviable occupations; in fact they are courted by every man who sails under a pendant; while the others would be shunned by every one in it, if they could be.

It was in the performance of this kind of service, that an English frigate was cruising a short distance to the eastward of the High Lands of Never Sink, blockading the port of New York, when the mast-head-man reported a strange sail bearing W.S.W.: several officers were sent aloft to examine the stranger, and she was soon made out to be a merchant ship, standing in for New York, close hauled on the larboard tack, and evidently contemplating a breach of the blockade. Sail was soon made on the frigate, and as she sailed faster than the stranger, though she too was a fast vessel, it was soon clear that the man-of-war must cross the chase ere she could make her port: the stranger seeing this, bore up, showed Spanish colours, and shaped his course directly for the frigate. About 6 o'clock in the evening, and after dark of course, the vessels had closed, and a boat being sent from the frigate the Spanish Captain was brought on board of her.

It was intensely cold, and though the sky was occasionally clear, a fresh gale was still blowing, and the scud passing rapidly over us. In a man-of-war, at least of the class frigate, the only fire permitted is the Captain's. In the ——— the Captain's cabin was the whole breadth of the ship, and in its length, some 30 feet by 38 perhaps, and enclosing two guns on each side without any bulkhead or partition of wood: such space with little furniture or fitting would often have been, with its whole tier of cabin windows at the stern, a less enviable abode than the Mid's berth below in such weather, without certain means and appliances to render it comfortable. These were not overlooked. In the centre of the cabin a space extending aft from the foremast bulk-head, some 18 or 20 feet or so, with sufficient breadth for tables and chairs, was snugly screened in with canvass and fearnought, the *sanctum* being entered by a small door. In a handsome stove in this nautical "*snuggery*," there blazed a cheerful fire, the very look and smell of which, seemed to thaw the icy current of the blood. Into this hallowed retreat was the Spanish master introduced, by the officer who brought him on board, to the Captain of the Frigate; the communicating medium between him and those he addressed was bad French. He was accused of violating, or rather attempting to violate, the blockade; but he swore stoutly that he was bound to New Providence, Rhode Island. The position in which he was seen, was pointed out to him, the direction of the wind, the course he was steering: he swore the "*demarkation*" on the chart was false, in fact he gave the Captain and Lieutenant the lie: but swearing in bad French is always excusable among English sailors, and giving the lie claimed an equal indulgence in this case, because it was not understood. Another witness was called against the Spanish Master, a midshipman who had manifested great anxiety in watching the movements of the chase from the fore-yard, no very enviable position in such weather; but there is a reason for all things, if our philosophers could only find it out. He had his—he thought it might be a prize, and that he being appointed prize master, might escape from the freezing horrors of this accursed cruising ground to the balmy, beautiful climate of the "*still vexed Bermoothes*."

Reader, you may have witnessed many contrasts in your life,—you may have felt them, but you never experienced one more striking than that which greeted the Mid on entering the snuggery. It seemed to him, called down from the quarter deck where, pacing the lee side, he had been enjoying the luxury of the sleet drifting from the mizen staysail, that the snuggery was a paradise afloat, and he sighed for the period when he too should mount the two epaulettes and exercise sovereign sway and masterdom over that little kingdom on the ocean, a man-of-war. If he felt the contrast mentally, he also felt it physically tingling at his finger's ends in that pleasant sensation occasioned by the sudden change of temperature, vulgarly called the hot-ache. It was natural that the contrast should suggest to him forcibly the desire of getting away from a climate in which such unattainable luxury as artificial warmth was so desirable. Whether the ambition of being a prize master, being himself in command, might have influenced his evidence, or not, is left to the reader's judgment; but, certain it is, that his evidence went to establish the breach of blockade.

"Well, Mr. Lightout," said the Captain, "did you see this vessel from the fore-yard?" "Yes, Sir." "Well, Sir, how was she steering, and how was the wind?" "She was close hauled on the larboard tack, lying up about N. by E." "Well, Sir, and bound for Rhode Island how ought she to have been steering?—if you were asked that question in a Court of Justice what would you say?" "These in a Court of Justice would have been considered rather *leading* questions; but in the Captain's cabin who was to object?" "Why, Sir, that she ought to have been steering about E. by S., running nearly afore it!" "Very good, Sir, get your traps ready to go on board that vessel, and take her into Bermuda." "Ay, aye, Sir!" "Mr. Washboard and Mr. Soundings, as I am at sea a justice of the peace, I will take your depositions to send in as evidence."

The Mid waited no second order; in ten minutes he was ready with a rusty old trunk, containing a uniform coat, and the residue of his clean shirts, &c., a still rustier quadrant and a well thumbed Hamilton Moore. In ten minutes more he received his prize order and instructions, and with a light heart descended into the boat with a youngster as his chief mate and a prize crew of eight hands; the Spanish crew were transferred to the frigate—the Captain and cook alone being permitted to go in her. No sooner was the Mid on board, then, swelling with the importance of command, he gave his orders in a loud voice:—"Fill away the main yard—up with the helm—hoist away the jib—there she goes. Now then steady, meet her with the helm,—square away the head yards, let fall the

foremast—up and shake a reef out—get ready the foretopmast studding sail,” and away the vessel went bowling away before it to the southward. The Mid then descended to the cabin, leaving his subordinate in command, in order to investigate the state of the victualing department. The vessel was from the Havannah, however, and there was not much in that way of a very tempting nature to any but a hungry Mid—he was laden chiefly with segars and sugars. The Mid was no great smoker, but the Spaniard smoked incessantly, and so urged him to participate in the pleasure, that, tempted also by the praises and the fragrance of such segars as might have tempted a veteran smoker,—to use a sailor’s expression,—to “murder his father and mother and turn Turk” in order to possess them, he could not resist, and what with smoking, and the exhilaration of his spirits at the thought of being chief, and careering gloriously along towards the warmer region of the south, and a soupçon of grog, he got rather elated, and going on deck gave the crew a dram, and having plenty of sea room, ordered the youngster to carry on like blazes and turned in! The second in command soon followed the example, and the prize was left to the care of the man at the helm. To be sure the Mid was called at the end of call watch, but there was no temptation to leave his snug warm berth and face the northerly gale still blowing. The vessel bounded along gloriously with a fair wind, and in three days left snow and sleet and frost behind, and entered a milder climate. Nothing occurred of importance—one day passed away much like the other, eating, drinking, sleeping, and smoking Havannah segars being the sole occupations, the careful Mid in charge having no sextant and no chronometer, no lunars, of course, and nothing but dead reckoning to trust to, instead of making the hypothenuse or direct line to his position, was obliged to make nearly two sides of the triangle—that is to say, running down to the southward into the latitude of the island full a degree and a half or two degrees to the eastward of it, and then steering due east in the parallel of it, the only sure way of making such a speck in the ocean by dead reckoning. All went on smoothly, he got into the parallel of the island, about seventy miles from it, when one morning a strange sail was seen. Desirous to speak her, the water on board having run short, sail was made. The Spanish *detaune* was a rakish looking craft; and the stranger had no desire to be nearer, but he could not help himself, and soon perceiving this, hove his main-topsail to the mast. When the prize came near him, however, he again took the alarm, and hauled on board his fore and main tacks, but the Mid was not long in following his example, and sending a King’s messenger, *alias* a shot, after him. He again brought to, and the boat being lowered, water was obtained, and the longitude by chronometer, as the vessel was a smart West Indianman well appointed. It appeared that the prize was only some thirty miles off Bermuda instead of seventy, as we had supposed. At noon the latitude observed was that of the south end of the island—it was nearly calm, and the vessel for two hours had made scarcely any progress, a faint westerly air was fanning her along at the rate of about one mile an hour.

The island of Bermuda is approachable only on the south-east side; on the north and west it is surrounded by rocks to the distance of ten and more than ten miles in some places, and vessels approaching it steer for a Volcanic peak, at the southern extremity called Wreck Hill, keeping it bearing to the northward of east, and if night comes on ere they get sight of their landmark, are directed to heave to, with their heads to the southward. The Mid in charge was well aware of these peculiarities. He had before brought in several prizes, and felt quite confident.

The weather was beautifully fine, like a calm summer’s day in England, the large white clouds seemed painted on the blue sky, and the surface of the heaving ocean, almost glassy smooth; the sails flapped heavily against the masts, and the vessel had scarcely steerage way. At sun-set the Mid went aloft taking his hopeful assistant with him; the look-out-man at the mast head was questioned—he could see nothing—and all three agreed that it was because—nothing was in sight. The Mid calculated the distance of the horizon, the limit of vision from aloft, to be full five leagues, and therefore argued, that if the lofty peak of Wreck Hill were not much further off it must be seen; the vessel was suffered to crawl on therefore till 8 o’clock at night, when she was hove to, with her head to the northward. The reason was, that the Mid having twice before hove to at night with his head to the southward, had found himself drifted so far to leeward with a north-west wind and current, that he had been greatly delayed in getting into port. Not dreaming of any danger, however, he went to bed, leaving the best of the seaman in charge of the first watch, giving the youngster the middle, and desiring to be called at four in the morning to bear up and make sail; and, of course, at any time in the night, if a breeze should spring up. At four o’clock he was called, the youngster was snug in his bed. When he went on deck, he was surprised to find that there was a fine breeze, the vessel forging ahead, and no one could tell exactly when it had come on. He gave his orders however:—“Up with the helm—shiver the main topsail—hoist away the jibb—drop the foresail—steer East by South.” In five minutes there was a grinding noise as of a cable surging in the hawse, but no shock. It startled the Mid, he seized the helm, but the rudder moved freely, he feared, however, the vessel had struck, and immediately shortened sail, and brought the vessel to the wind or rather attempted to bring her, for she came round about three points only, when bang she came against a rock under water, and went off with a rebound. “Brail up the spanker—square the main yard—hard a starboard—clear away one of the bower anchors,” cried the Mid. She came round three more points on the other tack, and bang she came against a rock on that side; it was then clear, that the only clear water was forward and aft, the vessel forging ahead further had touched a mid-ship, the wind was right aft, and the anchor was let go to prevent her running further on the reef. It was still dark, nothing to be seen; but a gun was fired as a signal for distress. The noise of these manoeuvres, and the gun, brought the alarmed skipper on the deck in his shirt. He was a spare Don Quixote kind of man, but without any of the Knight’s courage. He was perfectly beside himself with fright. The crew had soon clued up and furled the sails and were clearing away the long boat, seeing the *thowls* or pins for the oars, the oars, &c. all ready, and getting the tackles up to hoist her out, when the skipper who had never spoke a word of English, now began to attempt our language:—“De boat, de boat—life is dear—cut, cut away, no mind de boat;” meaning that it would save time to cut away the slight bulwark of the vessel and launch the boat. It might, no doubt, but with a *detained* vessel that did not suit the Mid’s ideas, and so spite of the clipper’s clamour they proceeded to hoist out the boat, intimating to him, that it was not for the purpose of taking him or any body ashore, but for the purpose of sounding and laying out an anchor astern to heave the vessel off. He roared and

danced about the deck like a madman, and so amused the crew and especially the younger Mid, that the work in hand was actually interrupted by him. At length day-light appeared, and we had soon some twenty boats alongside very eager to take out the cargo, of which the Mid would not hear, having soon ascertained that the flood was just making, and knowing that the rise of water though only four or five feet, would float the vessel. At length she did float, and a skillful Mudian Pilot guided her through the most intricate passage. Treading her way through rocks round the east point of the island, she got to an anchorage called Ireland, where there is what may be termed a back entrance to St. George's Harbour. The Captain left the ship on the first boat, but as soon as the vessel was snugly moored he came on board again, and would fain have hugged in his arms a loving embrace the Mid, whom he called his pre-saver. He shewed his gratitude afterwards by filing an affidavit against him in the Admiralty Court, accusing him of wasting the stores of the vessel, and allowing the men to plunder her; but the affidavit was never brought forward. Strange to say, the vessel was released, although neither the midshipman who condemned her, nor any of her crew were ever examined, and thus the prize proved a blank.

The following is a mere fragment, but a very characteristic one, from an article entitled *First Impressions of India*.

Poor G., though not a smart seaman, he knew what belonged to a sailor's duty, and had all the frankness and generosity of the profession. He had come home to England in command of a ship—his first command, and he lost the vessel in Mount's Bay in a dark winter's night. He was one of your easy going Captains, and his officers followed his example. The ship was manned with lascars, the finest seamen in the world in their own genial climes, as far as readiness and activity are concerned, (though they are deficient in physical strength,) the worst in the inclement weather of an English winter. By some oversight or want of observations the vessel made the Scilly Islands; and narrowly escaped being wrecked. A course was then shaped to pass between St. Agnes and the seven stones up channel. The wind was fair but drew more to the southward during the night; the Captain, not aware how much the strength and direction of the current are influenced by the wind, steering a mid channel course, was under no apprehension and carried on a press of sail. This is a common but perhaps not a judicious practice where the wind is from the northward or southward setting upon either coast of the channel and the weather threatening, for in case of any accident requiring the vessel to be suddenly rounded to, a ship with whole topsails is reduced to a very critical predicament. Anxious again to set foot on his native soil, however, poor G. cracked on all sail, the evening was passed in jollity more nautico and all were anticipating the pleasure of joyous anchoring in a home port on the morrow. The vessel flew on like the Demon Ship with all canvass spread, the wind increased, the night was pitchy dark—the bower and sheet anchors were got over, the cables bent and ranged—when soon after midnight the man forward sung out "land-a-head!" All was confusion—the helm was put up however, and the ship wore round under the supposition that it was a head land they might clear on the other tack—the people were called out to reef the topsails but in vain, land was discovered a-head again—confusion worse confounded then ensued—"The ship's embayed!" was the cry!—"let go the anchors—cut away the masts!" the bower anchors were let go—the main and mizzen masts cut away after much noise and delay, but the anchors held only for a time. "Let go the sheet!" the sheet anchor was let go; but the inner end of the cable not being clinched, (made fast below,) the whole cable run out at the haws-holes and the ill-fated vessel drove among the breakers.

Then shrieked the timid, and stood still the brave.

But dangerous as the position was, though the waves broke fearfully over the vessel, she held together and in the morning had been forced into a nook in Mount's Bay, where the crew and passengers were got on shore, by means of hawsers and seats slung upon them. Such was the wind-up of poor G.'s first command. He and the officers and crew lost their pay and were glad enough to work their passages out in another ship belonging to the owners, then a firm of prosperous gentlemen long since ruined, and the head partner of which died not many years ago in a miserable plight in this very Calcutta, where he had once lived in splendour! Such are the vicissitudes of fate!

The following passages are from two articles on *Insincerity*.

Is friendship then, compatible with perfect sincerity? Who will be bold enough to answer in the affirmative? Is there one man or woman of all I address who can lay his hand on his or her heart and say that there is in existence another man or woman to whom he or she has ever observed perfect sincerity? I will answer for them.—No. The thing is impossible. To convince ourselves of this truth we have only to consider some of the cases that occur in friendship which test our sincerity. Let us suppose our friend is going to marry a woman of whom we have the worst opinion. He comes to us as usual in such affairs, after his mind is made up, descants on the blessings of matrimony in the abstract, the considerations which lead him to seek happiness in that state, and then dwells on his singular good fortune in meeting with one gifted with every quality that can give promise of connubial bliss. At this stage of the consultation, of course he deals in ecstasies:—"My dear fellow, such a charming creature! such vivacity! tempered by such genuine modesty and good taste!—such accomplishments! such elegant manners! and only ten years younger than myself! in short, my dear Jack, I cannot describe to you how elated I feel at the idea of being about to possess such a delightful creature; for my part I had deemed such happiness as much beyond my hopes as my merits, and when I first met the dear soul, it seemed to me that"—

It were all one  
That I should love a bright particular star  
And think to wed it;

"but still, you know, I never do any thing without consulting you: now do, there's a good fellow, give me your advice"—or perhaps ere he gets so far you interrupt him after this fashion:—"Well, Tom, dismount a moment from your stilt and tell me who is your fair friend?"—and then out comes the secret that she is some giddy girl young enough to be his grand-daughter; or, if he is a young man, some widow of notoriety old enough to be his grandmother, "fat, fair, and forty," who has been ogling every man in the parish for ten years previously. Your look of dire amazement and distress you can't avoid—that he misinterprets; but what do you say?—unless you're an idiot you know that he has taken out the license and bought the ring ere he came to you. Suppose then you were to be sincere, and say, "well then, Tom, you have acted the part of a minny,—you are going to marry a demirep, and the only sensible step you can now take, is to blow out your brains or hang yourself on the next tree immediately." Is it to be supposed that your opinion would alter his purpose? No; then what does sincerity do in this case? Make him your enemy for life.

Take another case of friendship. Your friend is an author. He, instead of your enemy, has written a book, which is—trash. He comes to you in the usual way. "Now, my dear Jack, I wish you to look over this manuscript and give me your candid opinion of it." You take the *M. S.* with sad misgivings; but you can't refuse. You wade through the whole not very patiently in the hope of meeting with some redeeming points; but your hopes are defeated—there is not a redeeming point in the whole—not one grain of wheat in the entire bushel of chaff. Your friend calls at the appointed time for the candid opinion of his work. If you are very conscientious you venture on a "but"—you tell him that really it seems to you a very able production, but that he has paid you too high a compliment in consulting your judgment since he has attempted a subject which is far beyond the range of your capacity and attainments, and you strongly recommend him to consult some one better able to appreciate what appears to you so meritorious. He answers with more sincerity that he is perfectly satisfied with your opinion, that you do yourself injustice:—but I need not dwell on this illustration of the necessity of insincerity in friendship, for few of your readers can be ignorant of the exquisite case in point of the Archbishop of Toledo and Gil Blas. If you were to be sincere and tell your friend his book was trash, he would be very apt to imitate the Archbishop's example, to bid you farewell for ever, wishing you all manner of prosperity—and, a little more taste. A hundred other illustrations present themselves; but enough has been advanced to prove that perfect sincerity is incompatible with friendship. *Non bene conveniunt nec in und sede morantur.*

In the ordinary intercourse of society the absolute necessity of insincerity is universally admitted either tacitly and practically, or expressly, and all the sarcasms which have been directed against it have failed of diminishing it in the slightest degree. It was a fine idea of the Cynic Philosopher, to wish that every man should have a window in his breast, so that all the workings of his mind might be seen, like that of the machinery of a skeleton clock in a glass case; but it requires not an hour's experience of society to satisfy us that until the Millennium comes, when the Leopard may change his spots and the Ethiopian his skin, the realization of such an idea would destroy society. Let us only try to imagine the confusion that would arise from the sudden introduction of such a change—the exposures—some ludicrous some sad—which it would occasion, and we shall feel still more forcibly the necessity of insincerity. If then insincerity be indispensable in love, in friendship, in the ordinary intercourse of society, (and I could easily prove it to be so in the learned and warlike professions)—if it promotes the kindest feelings—the most agreeable associations, prevents quarrels, preserves peace, enhances virtue, where she is and imitates her actions where she is not, who shall say that insincerity is an evil—that it is not a positive good? and if so, do we not approach near to a conclusion as paradoxical as Doctor Mandeville's? and if, moreover, society be agreeable in proportion to the degree of insincerity which prevails in it, what a delightful society must that of Calcutta be? The degree of insincerity! ay there's the rub—for the question next arises, whether in this same article of insincerity, there may not be too much of a good thing? and this leads to the discussion on the possible, I will not say probable, but effects of so useful a vice as insincerity—the *per contra* of the account, which, with your permission, I reserve for my next in which also I may possibly endeavour to strike the balance.

The insincerity that destroys friendship, is not merely that we praise where we should censure; for such is the self-love of our nature that in general that tenderness for it is necessary to preserve friendship. Exceptions there may be, but as a general rule it is certain, that men who would lay down their lives for one another, would not bear to be told by each other of some of their faults and weaknesses. A friend of mine, a very amiable creature, once took an invincible dislike to a lady who frankly expressed a very contemptible opinion of one of his drawings on which he prided himself. It was a proof of bad taste in her and of gross ignorance of human nature; but I believe she esteemed him very much although she did not think him a painter. It may be excused then, that we should not point out to a friend his faults; but should we not be tender in speaking of them to others? So far from that, I have known men who took a pleasure in making the faults and weaknesses of their friends—of men whom they esteemed and would have gone far to serve at least—the theme of their ridicule and sarcasm. Here insincerity is revolting, and the exercise of it is, to repeat my politico-economical phrase, a "reproducible capital" of hypocrisy. As one lie begets another, so does this hypocrisy lead to more. The injured party hears of it and he imitates the conduct he erst despised. He has not the moral courage to tax his friend with duplicity and cut him for ever; but he meets him as usual with a candid greeting and the smile of amicable welcome. Out on't! 'tis a vile world; but although there is no open rupture, confidence, which is a *sine quâ non* of friendship, is gone for ever.

There is a minor insincerity in friendship less odious, but still upardonable, and without any excuse of necessity, founded on the weakness or self-love of mankind, that which leads your friend to pour into the ear of another his complaint against you for some fancied slight, instead of coming to yourself: it reaches you in confidence—oh! that confidence! you cannot repeat it—and thus



confidence between you and your friend is destroyed. How many friendships are blighted by this pitiful want of candour. If I ever imagine that a friend has slighted me, I tell him of it at once, and in many instances I have had reason to rejoice at the practice; but then I have violated all etiquette by such a proceeding—I have sacrificed false pride—and, in short, been most outrageously unfashionable, and that is the sin beyond redemption in polished society, in which candour is pronounced vulgar.

These specimens of insincerity are bad enough, but how much more revolting is the scandal of the male gossips of society, who damn the reputation moral and intellectual of every man with a "but!" "He's a worthy fellow—but I tell you what he has not behaved well to so and so; and, between you and I—but don't mention it again—I think he's been the cause of so and so; but mind I don't desire to injure him; far from it, I have a very great regard for him." If the absent man's talents are mentioned, these also he can disparage by damning them with faint praise. "Oh yes, he's clever—a man of talent, no doubt, but greatly overrated. There's nothing new, you know, in what he writes,—nothing original: however, I would not be understood to depreciate him; far from it, I have often spoken highly of his ability"—and thus your male gossip murders a reputation with as much *sang froid* as he would kill a musquito; only that he proceeds less boldly about it and professes kindness where he means injury—

Willing to wound but yet afraid to strike,  
He hints a fault and hesitates dislike.

But male gossips are rare, you will say. So far from it, they are plenty as blackberries in June; and, in fact, nine men out of ten are addicted to this scandalous gossip. In all the cases indicated there is too much of the useful vice insincerity, a degree of it which involves hypocrisy. I had proposed to draw the line between the use and abuse of insincerity; but I must waive the task, for I find it beyond my limited ability; and, indeed, the tone of my communication is wholly different from that which I intended it to be when I last addressed you. I would fain be a philosopher, and so I am in some things; but there are others which touch me too nearly, and stir up too strongly within me feelings which no philosophy can controul, and therefore, lest I should become too didactic, I bid you adieu.

We shall give one more specimen of Mr Sutherland's style, and then conclude our extracts.

#### THE MORNING CONSTITUTIONAL.

Johnson has somewhere remarked, that the man who rides for an appetite degrades the dignity of human nature; and if we are to suppose that the ride be taken merely for the sake of enabling a man to eat more vigorously; in that case I think Johnson was, right but if the ride were taken for the purpose of preserving general health, then I should decidedly enter my protest against such a doctrine, which I suppose is equally applicable to walking, and therein would touch me nearly.

The morning walk not only invigorates the constitution, and thereby the mind which depends so much on the state of the health, but it is neither anti-social, anti-sentimental, nor in any sense anti-intellectual. Anti-social it cannot be, for though without a companion in the ordinary acceptation of the world, the walker will encounter many walkers, and the very birds will supply him with companionship if he bath the spirit to enjoy it; but the human bipeds he meets are not all strangers, there are some familiar faces which greet him with their early welcomes, and smile a salutation to him and the morn. Anti-sentimental the walk cannot be, for his mind must be singularly constituted who cannot in a solitary ramble on the banks of the Hooghly find food for sentiment. Anti-intellectual the morning walk cannot be, for it is pregnant with material for the poet, the painter, the philosopher and the man of science—so much for a general defence of the morning constitutional, but let us descend to particulars and endeavour to supply a sketch of one.

Your regular walker is out before the gun fires. If he takes the river side he will make it a point of honour indeed to be at least abreast of the battery ere the usual explosion announces to the ditchers that a new day has commenced. The poet and the painter then, will both find subjects of contemplation in the rapidly changing hues of light from the sober solemn grey which succeeds the funeral gloom of night to the golden brightness of the full born day, and in all the objects gradually brought out in these changes, which form a part of the scene that is opening upon him. The very fort itself at first seems scarcely more than a dingy mass in the palpable obscure; the ships are in the same manner darkly shadowed forth, and the miserable natives creeping to their early labour, wrapt in their white garments, like funeral ceremonies glide past him in the dim and uncertain light, as did the shades in the region of Pluto past the Trojan Hero. "A solemn stillness reigns around," broken only by the occasional splashing of an oar, or the "Ram! Ram!" of some pious Hindoo, teaching his parrot to be as godly as himself. Anon, the gun fires, and soon the objects before and around the walker seem to burst forth from the mists of darkness which enveloped them—the drum and the ear-piercing fife summon the soldiery from their sleep with their *reveillé*; the painted sides of the ships shine forth with lustre not all their own; and some one of them, destined perhaps for England, dear England, becomes by that destination a link in the chain of association which connects him with our native land, she has a soft band which greets him with some air that reminds him possibly of departed joys and soothes him into melancholy, musing contemplation.

And as secure the painted vessel rides,  
The sunbeams trembling on the floating tides,  
While melting music steals upon the sky  
And softened sounds along the waters die—  
Smooth flow the waves, the zephyrs gently play,  
The sun shines forth and all the world seems gay;

but that vessel calls forth recollections of those far away, and the morning "peripatetic" is wafted in imagination to the scenes of his boyhood. Here again he wants neither sentiment nor companionship. His still loved home rises before him—he enters it, he witnesses again the smiles of affection—he feels the warm embrace once more cheer his heart—he converses with those for whom in absence he had so often sighed, and with them arranges the plans of the future. He is not a Nabob, but he has wherewithal to secure the comforts of life—and he is rich in love if not in wealth. He thinks not how short a period those long years of exile have left him for enjoyment, no thought of that kind intrudes to embitter the first hours of his return to the sweet home which he had never forgotten, which was the *ultima thule* of his wishes on earth in his long banishment from it. He is happy. Such is one of the waking reveries of the morning walker, but, alas! he cannot dwell long in the bright land of imagination. We may dream.

—of straying through fairy bowers,  
Far, far away from earthly sphere;

but alas! it is but a dream

And wordly sounds will soon destroy  
These visioned scenes of heavenly joy.

Some *quid nunc* meets the dreamer and recalls him to the dull world of reality, by the usual "How do I?" succeeded by the equally customary "any news?" and then ensues a gossip if both are going the same way *de omnibus rebus*, which belong to the gossip of the day. This, however, is all optional with the walker. He may avoid it and stroll on wrapt in his own meditations if he pleases—the thing is understood, and here we are not in much danger of meeting one of Horace's Button twisters, "*non nobis notum nomine tantum*," with his "*quid agis dulcissime rerum?*" We manage these things better in our morning walks. Occasionally, indeed, we may, very rarely, encounter a man with one idea who fastens upon us without mercy and bores us with his one loved subject till his own breath is exhausted, our patience nearly in the same condition, and the walk terminated; but these cases of exception are too rare to afford serious argument against the morning constitutional.

We will go on then. Our walker having shaken off his gossiping companion, unless he is fortunate enough to meet with a walker after his own heart, jogs on chewing the cud of sweet and bitter fancy. He has strolled as far as the bridge over Polly's Nullah, beyond which it is a matter of conscience with a genuine Mahratta Ditcher not to proceed, lest he should become too enlightened; and he is returning: and now the whole scene before and around is one of busy life. On his right the troops are parading, on his left steamers are clearing their rapid way over the waters of the Hooghly, innumerable boats are spread over its surface, and a forest of ships occupies the stream, some few of which are dropping down with the tide. The city is before him, with the Government House in all its pride, pomp and circumstance—with wisdom towering in the skies over its lofty dome—the signs of life and the symbols of wealth, the evidences of the progress of the arts, the spread of civilization, are every where in view, and yet are these mingled with the unequivocal evidences of a superstition that has indured for ages, and a backwardness in the useful arts which is truly barbarian. The steamer that is rapidly cleaving the tide and the Majestic vessel at anchor in the stream, some of those fine vessels that trade between England and India, are splendid specimens of the progress of science; but our boats, the bundles of boards called dinghies, are precisely the same sort of boats which navigated the river probably four thousand years ago; for the Hindoos are profound veneration of the wisdom of their ancestors and never depart from their hallowed customs. Can the walker, if he is a reflecting being and something of a philanthropist, mark this contrast without thinking of the benefits which knowledge must confer on these people, even as respects their physical comforts and the development of the resources of a country with which the progress of the useful arts is every where attended? In no country in the world is the highest civilization and the lowest degree of it, brought into such continual proximity and such marked and striking contrast as in British India—that contrast is forced upon the attention of the morning walker at every step he takes, and he gets into a train of reflection on the mighty consequences which must inevitably result to this fair portion of God's goodly creation the world, from those philanthropic efforts to disseminate the light of knowledge over the country which are now in operation, and perhaps his imagination penetrates far into the long vista of futurity and beholds India blessed with a wise Government and a moral, intelligent and enterprising people rivalling the new world in those arts and sciences to which they owe their power and their wealth.

But the European, such is the selfishness of our nature, is recalled from his dream of Indian improvement to objects which come more immediately home to him. He is passing Chandpaul ghaut and sees a party of passengers land from a vessel recently from England. One beautiful young creature attracts his notice, whose countenance wears the roseate hue of health, whose eyes beam with hope and pleasing anticipation, but! alas, what is her destiny?—and why is she come to a climate so destructive of hope and so fatal to beauty? To join her relatives? Yes, indeed, but to get married—to get settled in life and to quit them for ever—and how married? To such an object as her love's young dream has presented to her? Some youth the *beau ideal* of her fancy? So she hopes, poor thing; but her choice must bend to the dictates of worldly prudence, she may even endure a little profligacy, but she will be warned against poverty—and early imbued with a sense of its chilling influence on the affections.

And love grew cold as the witch drew nigh;

and if she may choose youth and intelligence, she must find it within the pale of the local aristocracy. She is unsophisticated; but a new lesson in education awaits her, she must learn now to be—but to seem natural when she is most artificial—to look coldly on those to whom her heart

once warmed, some of her shipmates of the proscribed order of ineligible—and to smile welcomes for those for whom she feels either indifference or scorn. The lesson may seem difficult, but it is astonishing how soon it is acquired. Let any one mark the change which one season in Calcutta, its balls and its burra khannas, and its more insipid morning calls and the exchanges of empty civilities—unmeaning fiddle faddle, his made in a young creature whom he may have accompanied to India. The bloom upon her cheeks had faded, the lustre of her bright eyes is slightly dimmed, but what then?—these a little relaxation from mere dissipation, a trip on the river, any slight change of air may soon restore; but there is no power in art, nor any *vis medicatrix nature* that can restore the unsophisticated feelings whose source, the sacred fountain of the heart, the poisonous influence of fashion and folly, and the selfish maxims of worldliness have polluted for ever. Can any thinking being who has had a long experience of this society, be at a loss to recal instances of such a melancholy change; but still they marry and become mothers and leaders of *ton*—learn to forget their old friends in favour of new—get their own daughters out and inculcate the prudence they were such adepts in learning, and thus the tide of society flows on—*labitur et labetur*; but the theme is painful and it is not rendered less so when the walker extends his contemplations to some of the other passengers—aspiring youths perhaps whose eyes visions of glory float, who are dreaming already of distinction, promotion, wealth; but who, instead of any of these, find only in India a premature grave, to which they are consigned ere youth has ripened into manhood,

Unwept, unhonoured and unsung.

The fate of many—too many in this land of promise.

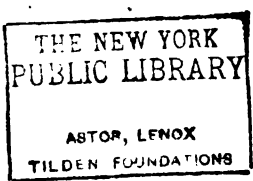
But the walker may see passengers embarking for England, aye these should be objects of pleasing contemplation. What joyful anticipations swell their hearts. Look at them. There is a specimen—a man who has held good appointments—trusted no agents—obtained large interest and good security, and worth ten lacs they say, or more, and he is going home to enjoy himself in the society of friends, and to distinguish himself, perchance, in the arena of politics, as a defender of the United Rulers, to whom he owes his fortune, and compensate himself for his thrift in India by his display at home. Such are his day-dreams; but his sunken eye, hollow cheeks, and parchment skin, tell another tale: he is travelling fifteen thousand miles *multum per mare jactari*,—to find a grave, which he might have found not much sooner, and quite as convenient in Chowringhee—saug lying in Chowringhee. He might have gone home, fifteen years ago, and then have lived thirty or forty in his native clime; but he could not have been a Nabob, and have competed with a nobility who despise his pretensions. And so he remains and goes home rich—to die; and as for his wealth

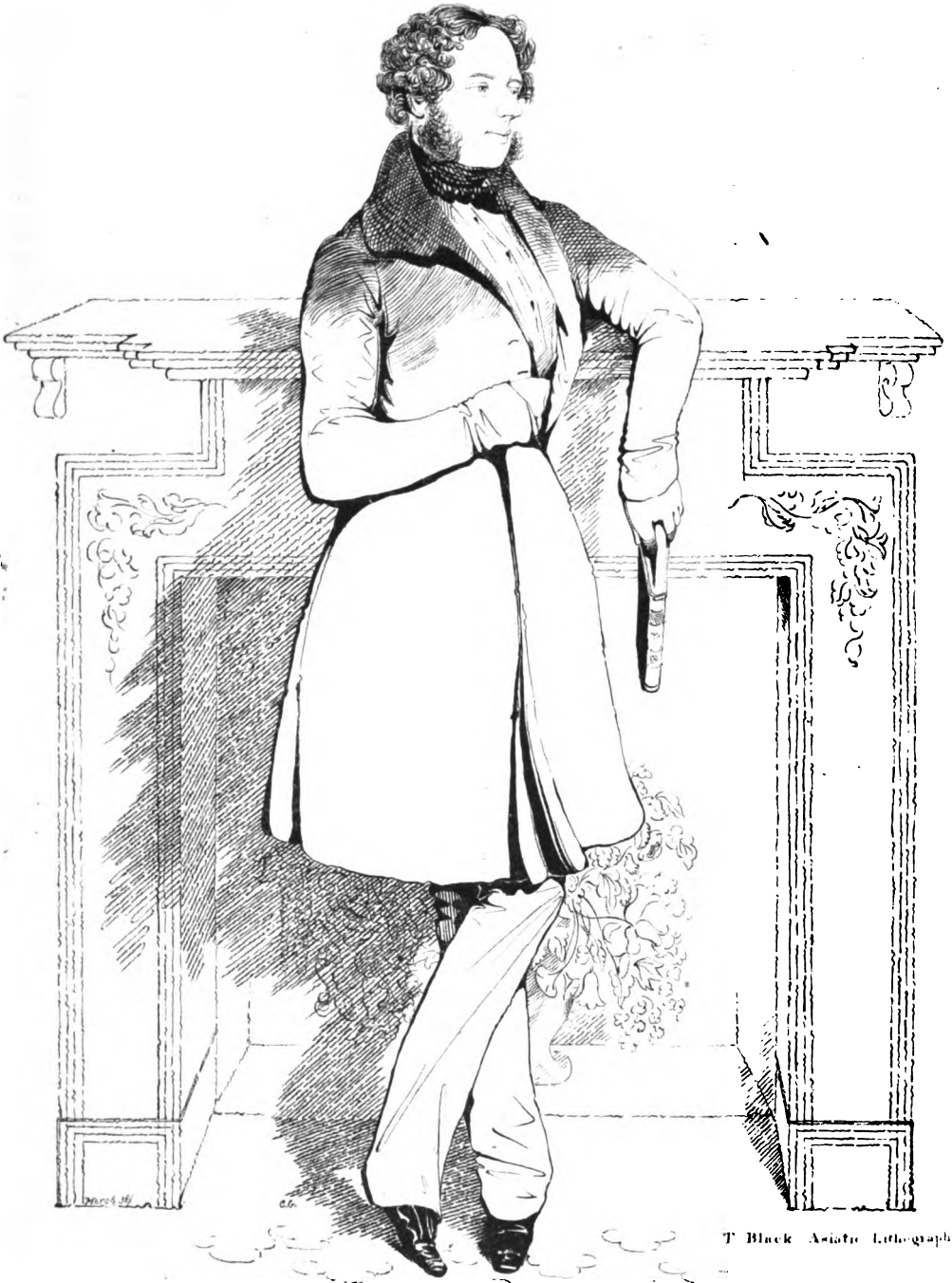
To heirs unknown descends th' unguarded store,  
Or wanders heaven directed to the poor.

Some rich Nabob not long ago, it is said, left 50,000*l* to Bishop's College, too rich already for any good it accomplishes, and left his relations,—to strave; but who will say there was not true piety, and true charity in such a legacy. To deprive the relations of wealth on behalf of a College, had a two fold virtue in it, it secured the testator's happiness in a world to come, and saved the relatives from a temptation which might have deprived them of such happiness, since the rich, we know, cannot enter the kingdom of heaven, a good—reason by the way why they should enjoy themselves here below. But the walk is ended, and the bath and the breakfast suggest a new train of reflections, the development of which belong not to a paper on the Morning Constitutional, therefore reader, *vale*!

RAMBLER.

These specimens of Mr. Sutherland's style, will enable the reader to form his own opinion of that gentleman's merits as a writer. We are quite certain that whatever that opinion may be, it will be much more favorable than Mr. Sutherland's opinion of himself, for we never in our life met with a man who so strangely underrates his own talents, while he overrates those of all his friends. It will, we think, be pretty obvious that he is a clear-headed and kind-hearted man, and that his writings are calculated to serve the cause of truth, to yield innocent entertainment, and to win for him golden opinions from all whose respect and good-will are worth obtaining. As a private individual, Mr. Sutherland is respected by all who know him, for the warmth and sincerity of his friendship, his high sense of honor and strict integrity, his hatred of tyranny and injustice, his manly spirit of independence, and the general benevolence and kindly feeling which he displays on all occasions that are calculated to awaken the gentler impulses of the heart.





T. Black Asiatic Lithograph T.

Very sincerely Yours  
John. Whitkay

# BIOGRAPHICAL SKETCHES.

## No. III.

### Lieut. J. W. Kaye.

H. CO.'S ARTILLERY.

The subject of this memoir, although still very young, has done more than enough, both as respects the quality and quantity of his writings, to entitle him to a place in the series of biographical sketches which the Proprietors of this work are giving to the public; although, owing to his not having been ostensibly connected with the Press, he is less known as a literary character than a writer of much less talent and much less fertility might easily have been, had he courted notoriety.

Mr. Kaye was born on the 3d of June 1814. His grandfather and father had held the situation of solicitor to the Bank of England, a situation conferred only on men of high standing in the profession, which involves great responsibility, and yields, we believe, considerable emolument to its possessor. Mr. Kaye's father, as a member of a liberal profession, had, fortunately, the means, as he had naturally the desire, to secure for his children, a liberal education. Mr. J. W. Kaye, the son of whom we have now to speak, was educated chiefly at a large private school, kept by Dr. Radcliffe, at Salisbury. He seems to have manifested a taste for literature, and to have commenced habits of composition at a very early period of life, for it is known to some of his friends, that when he was about thirteen or fourteen years of age, he contributed, both in prose and verse, to a work which was got up at the school and printed periodically, called the *Horæ Salisburyenses*. The youthful contributor seems to have limited himself to no particular subject or tone, but, to have written on whatever occurred to his youthful mind, ranging in fancy free,

From grave to gay, from lively to severe,

with the versatility of a clever boy, and a volatility which belongs to the happy days of boyhood. We regret that we are unable to give a specimen or two of these first attempts of our youthful author, because there is both pleasure and instruction in tracing the gradual development of a mind and of talents like Mr. Kaye's. Had we possessed any of these boyish effusions, we should have quoted them without fear of the sneers or sarcasms of the hypercritical, assured that men of candour and good sense would justly appreciate them, and also our motive in placing them before our readers. The fashion of treating as contemptible all boyish productions, has very nearly exploded since the publication of the *Etonian*, and the severe castigation which Byron bestowed on the *Edinburgh Reviewers*. When we come to speak of Mr. Kaye's productions, we shall have occasion to refer to some written at a sufficiently early age to enable our readers to draw an inference as to what he might have written at fourteen; but at present we resume our personal sketch of him.

Mr. Kaye appears to have made very considerable advances in his education at the school at Salisbury; as he is a good classical scholar, and his acquirements in general literature are sufficiently extensive to warrant the conclusion that they must have been commenced even at school; and if so, unless

Dr. Radcliffe is an exception to the general rule, applicable to our English school-masters, the fact speaks highly for the taste and industry of the subject of this memoir ; for it must be admitted, that the amount of general information acquired at most English seminaries, is lamentably scanty. We are convinced that at many schools in India, the Hindu boys would, in this respect, put to shame English youths of high standing at those of Great Britain.

With the circumstances which led Mr. Kaye's father to think of sending him into the military service of India, we are not acquainted ; but, in January 1831, he went to Addiscombe as a cadet, remained there the usual period of two or three years, and passed out in the Artillery. He arrived in India in September 1833, and had not been long in the country ere he became a regular contributor to the *Calcutta Literary Gazette*, then edited by D. L. R. It was in the beginning of the year 1834 that Mr. Kaye commenced his literary career in that Journal, for which he wrote a series of essays, of the merits of which we shall hereafter have occasion to speak. In the rains of that year, he had no less than three severe attacks of fever, the latter of which so much alarmed his medical attendants, that they pronounced his return home indispensable ; and he, according to their advice, embarked for England, on board the *Mountstuart Elphinstone*, in August.

Our acquaintance with Mr. Kaye commenced soon after his first essay appeared in the *Literary Gazette*. It appeared to us that his reading, with reference to his age, was quite extraordinary : he seemed to have dipped, at least, into all kinds of books, and into some very extraordinary books. His penchant for our older dramatists was very peculiar. He seemed, indeed, to be as enthusiastic an admirer of their productions as Charles Lamb ; but the power of memory, and the discrimination in poetry which he evinced, struck us as most remarkable in one so young, and led us out into some enquiry as to his means of reading, and the manner in which he passed his time. We learned that he had a very small, though very select, library of his own, and that he devoted every leisure hour to the reading and digesting his books, and to writing ; but what we admired more in Mr. Kaye—far more than these indications of talents and acquirements, of which he has since afforded more unequivocal and more durable proofs, were the evidences we had constantly before us, of his capacity to rise superior to prejudice, and to be, not only just but generous in his judgments of others, in spite of a tendency which we thought we then discovered in him, to be a little egotistical and self sufficient, a fault very natural and very excusable in a very young writer, and a very young man. We should not say this, without some trepidation, of some men in this community, to whom the remark more forcibly applies than it did to Mr. Kaye ; but we know well that a “change has come o’er the spirit of his dream,” and that he himself feels, as strongly as we can do, that he may truly say, as indicating not decline but a change for the better, “*non sum qualis eram*,” and we believe, that no man is less likely to be offended with our remark than he to whom it is applied. We were particularly struck with his ardent admiration of the poetry of Shelley,—his sympathy with the noble sentiments occasionally promulgated in it, and with the ill-fated poet's passionate love of mankind, which everywhere pervades his writings, not less, but most conspicuously, perhaps, in those in which the course of his winged thoughts is most erratic ; but, above all, we were most deeply touched with Mr. Kaye's enlarged charity to Shelley, and to all men. A firm believer himself in the truths of revelation, he could allow for the errors of his brother worms, and his high sense of justice prevented him from ever permitting differences of creed or caste, to interfere with his estimate of the intellectual or even moral merits of his fellow creatures. This is a fine feature in Mr. Kaye's character, which, surprizing as it was in one so young, his further experience has only tended to strengthen. Circumstances have occurred to confirm his belief in Divine revelation, but religion in him ever wears a cheerful aspect, and is and ever will be, we hope, too truly Christian to become intolerant. It would be a happy circumstance for Christianity, especially in this Pagan

land, if all Christians would display the same enlarged charity ; would learn to believe that even out of the pale of orthodoxy there may be men worthy of esteem, and that such men, though they *may be* wrong in religion, are rather objects of tender solicitude, than pharisaical scorn. This enlarged charity and philosophy were the more remarkable in one who at that time was not free in other respects from a habit of dogmatizing. He could allow for errors of faith, and believe that even a sceptic might be a poet ; but we are not quite so sure that he would have been equally indulgent to a difference of taste, or have discovered, with equal readiness, the merits of a man whose position in society was at all equivocal, or whose coat was threadbare.

Our desire to become intimate with Mr. Kaye was soon gratified, and seldom have we felt prouder of any friendship than we do of that which now subsists between us. Of his merits as a writer, we shall endeavour to speak out impartially, and, most assuredly, undeterred from using censure by any fear of giving offence to him. Our estimate of his talents will be seen in the sequel. Of his worth, we shall say little, because, in support of our estimate of it, we could appeal only to the experience of those who know him ; and, in addressing them, it is unnecessary to dwell on those qualities of his heart which have won for him their esteem and regard. To all the frankness of the military character, Mr. Kaye unites the kindness of a benevolent nature, and the courtesy of polished society, without its insincerity. Warm in his friendships, he is weak in his enmities, if any such he hath ; and he is about the last man who would feel it a compliment to be called "a good hater." He has a high sense of honour, and is, we firmly believe, as incapable of anything mean as he is of abstaining from any generous act within the limit of his power. He is yet, as we have said, very young, and our experience of the pernicious influence of what is called society here, in hardening the heart against the more generous sympathies of our nature, might justify in us a fear for Mr. Kaye, who of late has been much more in that society than he used to be, and who has been exposed to the greater danger of admiration, arising from his reputation as an author, a sore temptation to a youthful mind ; but we will trust him, and, even if deceived, we should trust again ; for there is a pleasure in a confidence in human worth, in contemplating the bright side of the picture of humanity, for the loss of which no advantages of caution and suspicion can ever compensate.

We have now to speak of Mr. Kaye in his literary capacity ; the personal and literary character, however, are often so blended, that, in tracing the latter, we may very probably have to indulge again in remarks illustrative of the former.

We have already alluded to the commencement of Mr. Kaye's literary career. His first Essay appeared in the *Calcutta Literary Gazette* of the 25th January 1834, and is the first of a series of papers entitled "*The Essayist*," which were chiefly contributed by himself and D. L. R. ; the latter had hoped, no doubt, to enlist other Essayists, and so he did, but not to the extent anticipated ; and soon after Mr. Kaye was driven away to Europe by sickness, "*The Essayist*" ceased.

The subject of Essay No. I is, "The Pen and the Pencil." It is written in a pleasing style, and with a modest diffidence, which leaves the question of relative advantage undecided. The subject is considered in two points of view ; 1st, in that of the peculiar advantages of the respective arts ; next in that of the relative pleasures derived from the practice of them. The first, we think, are sufficiently obvious, nor are we aware that the Essayist has thrown any new light upon them. The Poet's works *may* live for ever ; the Painter's *cannot*, even though his fame may be handed down by tradition. Then, again, the wide diffusion of the Poet's productions. He can address himself to the whole reading world ; the Painter to comparatively few. Godwin considers it doubtful, whether the wisest Mandarin in China may not be indebted for part of his energy and sagacity, to the writings of Shakespeare and Milton ? This may be justly deemed an extravagance, if taken too literally ; but regarded



merely as a figurative illustration of the diffusiveness of a great writer's influence, and his works, it is a just and striking remark. The Painter enjoys no such advantages. Of course these obvious distinctions have not escaped Mr. Kaye, but he has also put the case of painting very ingeniously. We will confine ourselves to a specimen of the manner in which he has discussed the relative pleasures of the practice of these arts as to which, we are fully persuaded, that Hazlitt is right. At least we never met with an author who felt any pleasure in composition (though we have read of authors who did), and we cannot conceive the idea of any pleasure in such labour; but the practice of painting is enjoyed by all who can paint :

I would next consider which is the pleasantest avocation. Hazlitt has written an essay upon the "Pleasures of Painting," which contains, as all his writings do, much truth, mixed up with many fallacies. He makes out his case in favour of the pencil, without giving the pen a fair chance, in his arguments. Hazlitt certainly ought to have been a competent judge; for he had been both an artist and an author. But then he never wrote poetry, and at the time of his composing the "Table Talk," painting was the past—authorship the present. How differently do we estimate things when they are gone by, to what we do when they are actually with us; and this I imagine to be the reason why Hazlitt was so vehement in his praises of the delights experienced by the painter, whilst he speaks of "the drudgery of authorship." He says that he takes no pleasure in writing, but rejoices when he gets to the end of an essay. I do not doubt this, for I have experienced the same sensation myself; and Johnson used to say, that he took so little pleasure in writing poetry, that he frequently paused to run his finger down the paper and count how many lines he had composed. But Johnson was not one who appears to have written "*con amore*." Were we not positively informed to the contrary, there are few people who would not say that he wrote with extreme labour,—this I attribute to the little pleasure he took in composition. But who could ever read one of Keats's poems without saying that he delighted in the task of creating? I have never read that he did so, but his poems bear internal evidence, at least, that he never ran his fingers along the margin, or rejoiced when it was time to throw aside his pen. Tasso is another example: how he regretted when his "long-sustaining friend of many years," his "*Gierusalemme Liberata*," was at length brought to a close! This is not poetical fiction, but fact turned into poetry. His letters bear evidence of the "craving void left aching in his breast." The loss, as of an old friend departed—a friend, whom he could not replace.

But, after all, I am not sure whether Hazlitt was not right. There is pleasure in painting. I have experienced it myself, though but I am an indifferent performer, and but rarely call into practice the few ideas I have upon the subject. The chief pleasure I hold to be in the sudden production of effect that often takes place. A man, after labouring for days, frequently produces by a chance stroke, or a sudden flash of thought, the very effect he has been long aiming at. This I imagine to be about the height of human felicity. But one beautiful idea will not give a tone to a whole poem—beauty in poetry is not to be produced by a singly epithet or isolated phrase—one word may make a fine couplet, not a fine poem, but one stroke will give expression to a whole picture. This is because we can take in a painting with our eyes at one effort, but a poem must be perused, line after line, till the whole is finished. I am almost sure that Hazlitt has not taken this view of the subject, but I forbear entering further upon the "Pleasures of Painting," for fear of encroaching upon forbidden ground. There is much pleasure, I repeat, in the actual process; but it is liable to many disadvantages that poetry is not. We need no instruments in the composition of a poem—many in that of a picture. You can make as good verses in the dark as in the daylight. The blindman's poetry is equal, and in two splendid instances, superior to that of the man who seeth. You can compose when tossed about on the ocean—when travelling over the earth, in all weathers, in all places—by day, by night—on a bed of sickness—amidst thunder and lightning; but I defy a man to paint in such situations. Gainsborough was a rare instance of a man colouring by lamp-light; and I know a solitary example of a man drawing upon a stage-coach; this is Dr. Crotch, the famous musician, who is likewise a beautiful draftsman. However rapid the motion may be, he is not prevented from indulging in his favorite avocation.

We have said more than we intended on this first Essay; but we have not space to discuss the merits or doctrines of all those which succeed it; we shall, therefore, merely make a few extracts from them, remarking on the most striking passages only of our quotations :

#### THE FOREHEAD.

But this is a digression, and to come somewhat nearer to my subject, let us continue our observation of the human face. In it are contained the external types of our principal sensitive organs. Above, in its ivory mansion, sits reason, throned like a monarch, and below, are the habitations of our senses, sitting like the ministers of intellect at the feet of the sovereign, whom they serve. The very arrangement of our features is typical of the internal moral constitution, of whose component parts they are symbols. Look at the seat of reason, how exalted it is, above all else. Look at the organs of sight, as being the most immediate communicators of our ideas, holding the greatest propinquity to the brain, that receives them. And next in order come the vehicles of sound—their position is regulated by their importance. Throughout the whole

face we perceive the same resemblance between the outward and inward organization—the execution is worthy of the design.

It has been said that the face is the very citadel of beauty—*arx formæ facies*. May it not be said, with equal truth, that the brow is likewise the citadel of the face, exalted above, and overhanging all the other strongholds of the city. It is indeed a noble thing; it giveth a gravity, an intelligence, a sublime to the whole—it is associated in our minds with an idea of intellectual prowess—it recalls to our remembrance, what we are told in the Scriptures, that God created mankind after the image of himself. Apart, however, from all associations, there is something really grand in the contemplation of a fine forehead, over-arching as it does the rest of the human face, the broad and lofty mass, "pale with high and passionate thoughts," and overshadowed with a profusion of waving hair, streaming down like the veil of the temple of thought, and reminding us of the old men in the pictures of Domenichino. The brow is to sublimity what the eyes are to beauty, and the mouth to grace; it is not capable of the sudden flashes of expression that burst from the one, nor of the delicate and minute alternations of feeling exhibited by the former; but it remains in grand and unaltered stateliness, save when an occasional thought throws a gloom over the whole, like the shadow of a cloud upon the face of some mighty mountain.

#### THE LIPS.

What lovely, what delicate things are the human lips! How rich is their colour, how elegant is their formation, how capable they are of expressing the most varied alternations of feeling! In this point they excel all other features, even the eye, out of all comparison. Of what intricate changes are they susceptible! They are almost ever in motion, whether we be conversing or in silence. They speak of love, of scorn, of hatred, of sorrow, of joy, one after the other, in rapid succession. Now they are extended with a gentle smile, now they are quivering with disdain, now they are pouting with anger, and yet how small is the actual change which creates all this variety of expression. I have a peculiar partiality towards the mouth above every other part of the human face. I make my estimate of character more from this than from any other feature. I like full, rosy, open lips, inclining rather upwards at the corners. I cannot bear the "downward drag austere" which Leigh Hunt speaks of in one of his poems, nor do I like the thin, compressed lips that we see in some people; they give me the idea of a want of frankness; they look as though they were keeping constant guard, lest something should escape from them unawares. Shelley says, in his remarks upon the Florentine gallery, that "with fine lips a person is never wholly bad, and they never belong to the expression of emotions wholly selfish—lips being the seat of the imagination," and I am inclined to think that he was right in this respect; for if we look over a number of portraits we shall, almost invariably, find that the poets have the finest mouths in the batch. I have a small miniature painting, copied from a printed portrait of the very person who made this remark, and there is an extraordinary degree of grace and sensibility in the small, parted, full-lipped mouth of this imaginative being; it looks as though a common-place could never proceed out of it. Coleridge's is another; what a dreaminess there is about its whole appearance, what a look of abstraction and utter absence of worldly feeling! There is a small portrait of this gifted individual in Galignani's edition of his poems; it must have been taken many years back, but it is still a capital likeness. Not that the resemblance of feature is so strikingly correct, but that the expression is so admirably portrayed. In doing this consists the chief skill of the portrait painter. There is nothing in hitting of a dead likeness; but it requires the hand, the mind of a master, to throw the "unembodied beauty" over the whole.

In an Essay "On the Magnifying Mediums," Mr. Kaye treats of Hope and Memory, and expresses his dissent from those who prefer the former.

Now I am inclined to think differently upon this subject, and attach more importance to the past than to the future, inasmuch as I prefer certainty to doubt, upon all occasions, even though the certainty be involved in less pleasant considerations. It is something to be able to say,

"I die—but first I have possess'd;  
And, come what may, I HAVE BEEN blest."

The poet, who wrote these two lines, must have known human nature well, at least in this respect. The passage I have quoted is one of the finest illustrations I remember of the power of past events upon the present. The strong feeling of the immutability of things gone by, setting the future at stern defiance; the knowledge, the certainty of past happiness triumphing over the fears of wretchedness that was to come, and throwing a kind of proud satisfaction over the present tumult of agony, and giving vent to itself, in these impassioned words,

"And, come what may, I have been blest."

The philosophy of this one line points out the advantages of the past over the future. Hope is involved in the dark clouds of obscurity; Memory is radiant with the broad light of certainty and truth. It is in the power of all men to say, "I have been"—of none to say, "I will be." The portion of man, in this world, is that of the traveller journeying from one city to another. He looks back with a kind of fond regret upon the one he has passed, and finds a complacent

satisfaction in contemplating the pleasures and hospitalities he met with there. He journeys onward, hoping earnestly in his heart that the next may be even still more abundant in delight, than the last. He reaches his destination, and perhaps his hopes are realized; perhaps partially so; or what is still more frequently the case, he is perhaps altogether disappointed. But we do not pay for remembrance in this manner; there is no cheater here—no elevation of our souls to render the fall more crushing, when it does come. We know the past, and all the circumstances of life cannot alter one tittle of that which has been. We may, it is true, discover that we have been imposed upon; we may, as our knowledge increases, perceive that we have been labouring under erroneous impressions; we may find, perhaps, that what we took for gold was nothing but alloy; and that what we esteemed as friendship and sincerity, was nothing better than selfishness and hypocrisy. An increase of years and of worldly wisdom may undeceive us in these respects; but it cannot prevent us from remembering that we were once happy, even though it were under a delusion. The past is still the same, although our present view of it is changed by experience.

It may be said that the pleasures of memory depend upon the degrees of happiness and of wretchedness that have chequered the surface of our past existence, but that Hope, on the other hand, being the child of ignorance, receives no tone from the future. Whatever of weal or woe there may be in store, it is all the same. Hope smiles upon us, although with a lie upon her face. I grant all this to be true; but the man, who can look back upon the past and say, "In the desert of existence, I can call to mind no spots of greenery—no bubbling fountains—no places of refuge from the scorching blasts of extreme agony—my life has been one continued scene of struggles and vexations, unvaried by one redeeming hour of quiet bliss;" must indeed have trodden the flowers of life underfoot with a wilful and unpardonable blindness. He must have closed his eyes, in the obstinacy of a perverted spirit, on purpose to complain of the darkness of the world. He must have thrown a veil over his face in the midst of beauty, and then lamented that existence contained nothing worth the living for. When a man complains that he has never known happiness, he convicts himself upon his own evidence; he makes an unwilling confession of his own depravity, and; instead of exciting our compassion, he excites our contempt. I know nothing more pitiful in human life, than to look upon every thing with a jaundiced eye; to enter the arena with a determination of expressing our disapprobation; to shut up the channels of our hearts, and to make a positive resistance against any attempt to open them; to become, like the "self-torturer" of Terence, a wretch of our own creating.

One of the most manifest advantages of Memory over Hope is, that as we grow older, the former increases, while the latter diminishes. Every day gives us less to desire, more to remember. Memory moves with the past, Hope with the future, until the latter becomes but as an uncertain span, while the former has swollen itself into a bulk of many years. I put little faith in anything that grows smaller every hour of the day. I do not like to contemplate a diminution of happiness, and watch its gradual decline, from much to little, from little to less. Memory is like the magnifying glass; the further we remove it from the object we are inspecting, the larger that object will become. Every day, whilst it gives us fresh food for remembrance, renders our older recollections more beautiful and bright. We cannot see the smaller defects at a distance; we are only struck with the serene harmony of the whole. Thus we go on daily increasing in happiness, until old age steals upon us with gradual advances, and we have gained the summit of the mountain of life. Then it is that we look back upon long series of past years with infinite satisfaction; we have nothing to do with Hope, save that which is beyond the grave. Remembrance has become to us the "one thing needful," and we hug it to our bosoms, as we would an old and tried friend. We look down, as from an eminence, upon the vast tract of country we have travelled over, and if there are some shadows upon the surface, they only render the remainder even more dazzling than it really is. All joys and sorrows are by comparison. I would give little for that man's happiness who has never known what it is to suffer. Besides, I think the remembrance even of suffering is often times pleasant unto our hearts, when we feel a consciousness that our misfortunes were not brought on by our own unworthiness, and rejoice in the thought that they are now over.

I am not a very disconsolate individual, nor am I aware that the early hours of my existence have been more fraught with happiness, than those of other people. And yet I derive but little consolation from the "Pleasures of Hope" much from the "Pleasures of Memory." I can enter more into the feelings of Rogers than of Campbell, when they wrote those two excellent poems under the above titles. Hope is essentially selfish—Memory is not. Hope is full of excitement—Memory of quietness and composure. I do not know, whether I am singular in this respect; but to me Hope but seldom comes, unattended by ambition; at all events, it is a dissatisfied feeling, looking forward for something better than the present holds out to us. It is a state of restless and feverish anxiety, redolent of disappointment. It renders man a moral Sisyphus, striving with his whole soul to reach the summit of the hill, with his rocky burthen upon his shoulders, and as often beholding the stony mass roll down the descent just as he is on the verge of the highest pinnacle. It is a continued scene of elevation and depression. Now we are with our heads almost touching the clouds—now we are grovelling in the dust with utter helplessness. At one hour, Hope touches us with her fairy wand, and we become like Cinderella at the prince's ball, all that we desire to be; but the clock strikes the next hour, and the delusion is over. We return again to our former condition of ragged filthiness, and our lot is even less endurable than it had been before.

In the conclusion, Mr. Kaye describes Memory as an oasis in the desert of life, and dwells with enthusiasm on the delight of recalling the pleasures of one's youth. This is because he has never experienced the sorrows which render the remembrance of the past so painful as to make us sigh for "some sweet oblivious antidote" to this baneful memory for ever recalling the images of "joys departed never to return." We wish Mr. Kaye may always derive pleasure alone from his reminiscences; but he will be fortunate indeed if that should be the case. Chateaubriand observes, that "the pleasures of youth, reproduced by memory, are ruins viewed by torchlight." We think Chateaubriand is right; and we are in a better condition to form a judgment on that point than Mr. Kaye can be for twenty years to come. This is certain, that while memory must serve to remind us of our sorrows as well as our pleasures, hope is conversant only with the agreeable. We never hope for evil, although we may dread it. The imagination may indeed fill the prospect of the future with all the forbidding sights, which Mr. Kaye describes as occasionally presented to him in his dreams of futurity; but this is an effect of melancholy and of a morbid state of mind, and has nothing to do with hope. On this point Mr. Kaye has overlooked a distinction of importance to his subject. A man may, no doubt, take gloomy views of the future, but that is when Hope has deserted him. Hope never darkens the soul with *gloomy* images of the future. We do not deny that there are green "spots in memory's waste;" but they are indeed generally few and far between. Pleasures of Memory there are; but, alas! these are also *sorrows* of memory; and he must be very young or very fortunate to whom she presents not, more of grief than of joy. The Essay to which we refer, concludes with a remark that we do not clearly understand. "I would rather," says the Essayist, "have written all Machiavelli's inhuman Treatises, than those obnoxious lines upon a blank leaf of Rogers's "*Pleasures of Memory*," setting forth, in lamentable strains, "*that their author had never met with any.*"

Surely this is a mistake, at least we are unable to trace, in the lines in question, any such confession as that described. As the lines are not very numerous, however, we subjoin them that the reader may judge for himself.

Lines written on a blank leaf of "*THE PLEASURES OF MEMORY.*"

Absent or present, still to thee,  
My friend, what magic spells belong!  
As all can tell who share, like me,  
In turn thy converse and thy song.

But when the dreaded hour shall come,  
By Friendship ever deemed too nigh,  
And "*MEMORY*," o'er her Druid's tomb,  
Shall weep that sight of thee can die.

How fondly will she then repay  
Thy homage, offered at her shrine,  
And blend, while ages roll away,  
Her name immortally with thine.

We confess we cannot discover in these lines, any obnoxious confession that their noble author had never met with any "*Pleasures of Memory.*"

We can only afford to give a very short extract from an Essay "*On the good and bad fortunes of Authors*," in which there are many just and striking remarks, combined with some errors into which we have not time to follow the writer.

EXCITEMENT OF PUBLICATION—DISAPPOINTMENT OF GENIUS.

It is not alone the excitement of composition that torments the man of genius, but the excitement of publication is at times even more distressing. Genius is never unattended by a strong desire after fame. The young poet stakes his happiness upon a chance throw, and he stands "*the hazard of the die.*" In nine cases out of ten, the most highly gifted is the least likely to command success. He trusts too much to his own powers, perhaps; indeed, he knows not aught besides the

strength of his own genius that can assist him upon his journey. He knows nothing of the thousand auxiliaries, "the appliances and means to boot," that are so instrumental towards the acquisition of a name. He cannot enter into minutiae; his mind embraces only the great leading truths, the abstract principles, that avail him nothing. He has no cunning, no trickery, no tact. He is above any thing of the kind. His soul looks down with contempt upon the petty dealing of false pretenders. He says, "I have reared a column, and against that will I lean—I will not enter the temple of Fame by a side door." He is burning for distinction, and yet he is too proud to solicit it. He cannot trumpet forth his own fame in a newspaper puff; he does not know how to strike a bargain with a bookseller; he cannot run about here and there talking upon his "new work," and acting the part of a moveable advertisement. Perhaps, at first starting, his work is refused by a publisher and his courage damped—his spirits prostrated. He locks up his manuscript for a year, and then ventures a second time to make an offer. He is told that poetry is "a drug in the market," and receives a hint about publishing "at his own risk." He does so; and perhaps his darling work, which is to secure him an immortality of fame, is a dead failure—it falls "still-born from the press." He has not consulted the taste of the times. He has written without reference to any particular age. He has had noble and spiritual ideas floating in his mind; they are too grand, too æthereal for a mechanical people. His profoundness is mistaken for obscurity, his imagination is looked upon as extravagance. His great work is not read; the publisher has perhaps no interest in the sale, and, therefore, takes no trouble in announcing its existence. The poet himself is above interfering in the business. He looks into a review, and reads a few short, cutting, damning remarks upon his unfortunate book. Perhaps in the very next page a work of shallow flippancy by a fashionable writer, is extolled, and quoted from, and spoken of as being "full of genius and of thought." The young author grows disgusted; he closes the review with a determination of never writing again, unless it be his own epitaph. He is sick at heart—life no longer has any charm for him—what then is there to be done? What then is there left for him? Nothing, alas; nothing but this,

"To hang his lute on some lone tree, and die."

Our next two brief extracts are from an Essay "On Men of the World," which is full of striking and pleasing illustrations.

#### A MAN OF THE WORLD.

A thorough man of the world, in all his dealings, will endeavour first to find out your weak points. He will attack the citadel where the defence is least formidable. He will humour your particular taste with a dainty, and get you in to his hands by a bait. He will entrap you unawares, and be quietly gaining his point, whilst you fancy that he is only tickling your palate. He will make you the most abject tool, whilst you imagine that he is your most obedient servant. If you be religious, he will quote Scripture to you. If a *bon-vivant*, he will drink with you. If an author, he will read your works. If a sportsman, he will bet upon your horses. He wants a vote for a county or a borough, and calls upon a family man. He praises the beauty of the children to the wife, and the taste displayed in the house and grounds to the husband. He does not stick upon trifles, and draws no line between falsehood and truth. If you are as ugly as Lucifer, he will not hesitate to tell you that you are beautiful as an angel. If he has been nearly poisoned by your wines, he will not scruple to tell you that they are excellent. He will listen, in agonies, to the most perfect bore under the sun for hours and hours, and then call his dull prolixities "a series of luminous and important illustrations." Nothing is too pitiful, too contemptible for him, when his own interest is at stake. Fear alone keeps him under control. If he were not afraid of being discovered, he would pick your pocket to-morrow. He would apostatize from the creed of his father if he thought that he would be the gainer in the long-run. He would change his politics for a pension, and his country for an appointment. He has no qualms of conscience, and no notions of becoming a martyr to principle. He puts himself up to auction, and goes to the highest bidder. He is not particular whom he serves, and declares that he has "no false delicacy." He makes a point of siding with the strongest party, and likes to come in for a share of the spoils. His agility is extreme; in the see-saw of public or private life, he is always beside the party that is uppermost. He will change his dress as often upon one evening, as Matthews "at home." He is a very Proteus in all that he says, does, or talks of doing. If in the army, his opinions and his way of life alter with the colonel of his regiment. If in the navy, with the captain of his ship. If an author (though, thank God, he will rarely be that), they will coincide with those of the Peer whom he dedicates to—if a clergyman, with those of the Bishop of his diocese. Get him a situation in Rothschild's house, he will turn Jew. Send him upon an embassy to China, and he will wear a pigtail. It matters little to him, whether he gets into your house by the front door, or through the coal-hole; he does not consider the way of doing a thing, so that he *does* do it. He is a very Spartan in his philosophy, and thinks it no harm to commit sin, but much to be discovered. He will tell one lie at first, and fifty afterwards, to support it. He will act, like Joseph Surface\* in the play, and "part with his virtue to preserve his reputation."

\* *Lady Teazle*. So, so; then I perceive your prescription is, that I must sin in my own defence; and part with my virtue to preserve my reputation.

*Joseph Surface*. Exactly so, upon my credit, ma'am.

*Lady T.* Well, certainly this is the oldest doctrine, and the newest receipt for avoiding calumny.

*Joseph S.* An infallible one, believe me. Prudence, like experience, must be paid for.—*School for Scandal*. Act IV. Scene 3.

We shall go on now with our specimens of these Essays without the ceremony of an introduction.

#### DANGER OF A LOVE OF EXCITEMENT.

Mankind, in general, is fond of excitement ; but there are few people who know what is the best for them, and fewer still who make use of the knowledge, when they have gained it. It is ridiculous to say, that the man, who is constantly desiring a change, can be a happy one ; because, he is at once proved to be dissatisfied, and as such, he is as miserable as he well can be. When a man once begins to look for happiness in constant excitement, there is no stopping him. He is like a machine wound up " to the top of its bent ;" there is no pause until the chain has fairly unwound itself. He cannot cease, when he would desire to do so ; he cannot check the impulse that he has given to himself, and having taken one step, he must go onward till he reaches the bottom of the descent. He is a kind of moral Mazeppa, bound to the fiery steed of his own passions and his own desires. They hurry him on whither he knoweth not ; he is beaten backwards and forwards like a shuttlecock ; he does not know what it is to be quiet, except by compulsion ; and then he is the most wretched creature in the whole world. He is like the habitual dram-drinker, and would die without his accustomed potation ; he has no time to think, and therefore he has no time to be happy. He is so constantly in action, and his mind so engrossed with the pursuit, that he can scarcely enjoy pleasure, when he has gained it ; he is even as the man in the engagement, who said that " he had no time to be afraid." If he reflects at all it is never upon the past, but always upon the future. Memory is nothing to him, hope is every thing. He never looks backward ; he never profits by experience ; he is in a whirlpool of action. He resembles a person with " St. Vitus's dance," and scarcely knows what he is doing. If he looks into the mirror of self-investigation, he is startled at his grimaces, and never dares to look into it again. Were he to persevere, he might be cured, but the first glance is for him a sufficiency, and he endeavours to forget his infirmity, instead of attempting to rid himself of it. He cannot bear the re-action that must follow, and, therefore, he is endeavouring to plunge as quickly as possible into fresh excitement ; he is a lucky man if he does not kill himself before he has done. The bow that is always bent soon loses its efficacy ; the wheels that are always revolving, are soon disabled and unfit for service.

#### EFFECTS OF SIGHT-SEEING ON CHILDREN.

A savage upon first seeing a common time-piece would take it for a live animal, nay, perhaps for a god. He sees only the dial-plate, and is told that the hands revolving point out the hour of the day. The watch immediately becomes, in his estimation, almost upon a level with the sun. He sees that in some respects it answers the same purpose, and is even superior, because there are no clouds to obscure it. But the sun is worshipped by him as a divinity ; why then should not the watch be so likewise. Travellers tell us that it has been, and I am by no means inclined to doubt the assertion. The barbarian sees nothing but the external parts of the machine, and recognizes two of the most important signs of animal life, sound and motion. He is acquainted with nothing inanimate that intrinsically possesses these qualities, excepting what he considers the great ruling powers, such as the sun, the wind, the waters, &c. These, however, are his duties. The savage, therefore, has every reason to suppose that what he sees before him is endowed with *life*, even before he is acquainted with the purport of its revolutions. But when this increase of knowledge, brings with it the reflection, that the attributes of what he holds in his hand are similar to those of the great power which he adores ; when he sees that the thing itself is not only endowed with life, but with a higher order of intelligence, which he had always considered to be divine, is there any wonder that the time-piece should, at first, appear to him in the light of a god ! But when the same person shall see the machine opened before his eyes, and have an opportunity of examining the wheels by which the hands are made to revolve—when he sees that by pressure upon a certain part, the action of the machine is instantly impeded, and the sound is hushed—when he is shewn, that, at the expiration of a certain period of time, all animation ceases until the chain be unwound and thus vitality restored, that which was looked upon as a deity, now becomes nothing but a box of minute wheels, and screws, and chains, and jewels ; a very curious, a very ingenious, a very wonderful one, but still nothing but a *box*. We are the savages in our childhood ; we see upon the stage kings, and warriors, and magicians. We see the insignia of royalty, the armour of the soldier, the wand and cabalistic signs of the conjuror. We hear words proceeding out of their mouths applicable each to their separate offices. We have no reason to think that this is any thing less than reality. We judge by what we see, and do not form opinions by reason and analogy, in those days. How should we know better ?—What ideas can we form of sovereignty beyond the sceptre and the ermine ?—What know we of heroism beyond the spear and the battle-axe ! We have never coned over a king's speech at the opening of parliament, or looked into general orders in hopes of promotion. We see upon the stage exactly what corresponds with our early notions of superior being. We recognize the emperor by his spangled robes ; the general by the plumes in his helmet. They are like what we have seen in our picture-books ; what we have read of in the Arabian Nights. We can no more fancy a king without a crown upon his head, than a jack-ass without ears. The Prince of Wales was pointed out to me, when a child, as he entered the " royal box " of Drury Lane. I would not believe the people, who told me so ; I pointed to the stage, as much as to say, " There are the kings ; there are the princes." Was not this perfectly natural ? I expected, as a matter of course, that he, who was exalted above all other men, and held the reins of government in his hand, must possess some physical advantages far superior to all the rest of mankind. At least that he should be better dressed, and wear some badges of distinction that would shine forth from a distance. There is nothing either so absurd in this opinion as may be supposed. Herodotus tells us in the twentieth chapter of the book called after Thalia, that the Æthiopians would have nothing to say to

Cambyzes as a king, because he was not big enough for them, adding that "*τὸν ἄν τῶν ἀστῶν κρῖνωσι μέγιστον τε εἶναι, καὶ κατὰ τὸ μέγαθος ἔχειν τὴν ἰσχύν, τοῦτον ἀξιοῦσι βασιλεύειν.*" "Whomsoever of the citizens they should fix upon as being of the largest stature and strong in proportion, him they deemed worthy to be a king." They chose their sovereigns in those days, as we do the drum-major of a regiment, and upon the same principles, *mutato nomine*, is the election of both. The band are even as the ministry; they perform and the king walks before, brandishing a long stick, but doing nothing. In those days, His Majesty, like the drum-major, was intended to be looked at; but now-a-days we require no qualifications whatever, no testimonials beyond those of legitimacy. I must confess that I cannot see why in one case there is absurdity and in another wisdom.

#### SENSITIVENESS OF MEN OF GENIUS.

What renders unsightliness of person a far greater curse to the man of genius, than to any less gifted individual, is not only his own natural sensibility, but also the malignity of his enemies, which seeketh every opportunity to remind him of his infirmities. Envy is an arch-leveller, it delighteth in discovering the imperfections of greatness, and where no moral or intellectual blemishes are to be found, there is still the consolation left that an attack upon personal defects may answer the purpose that is intended. How refreshing is it for mediocrity to reflect, that in some points at least it has the advantage over genius! How pleasant is it to detect a halt in the poet's gait, a cast in the philosopher's eye! What a fine thing it is for dulness to attach a *nick-name* to the former, or to stick a caricature of the latter in every print-seller's shop! How delicious to find a vulnerable part against which they can aim their tiny arrows, as the Liliputians did against Gulliver; how sweet to write anonymous lampoons in a daily paper, and to fire off their penny squibs in the dark when they cannot be detected! Oh! these petty, personal attacks are indeed villainous; and yet how frequent they are, and yet how stinging! The wretches that dare to make them advance boldly under the shelter of their own insignificance; they cluster like flies upon the back of a noble animal, and settle where the yoke has galled it; they work their way like splinters into the flesh; though the smallest things in existence, they inflict the acutest pain, till the wound festers, and the effects are visible to the world, whilst the cause remains unseen, and, at times even, unsuspected. Personal reflections are at all times cruel enough, but when they are made in our presence, we know how to act; we see what it is that stings us, and, therefore, we have only to brush off the insect, or to crush it under our feet. Not so when a covert attack is made upon our peace: we may bleed, we may writhe under the tortures, but we cannot escape them. We know not from what quarter the missiles are coming: we know not whither to turn for safety—whither for protection. All that we can do is, to seat ourselves with resignation upon the ground, and cry with, the suffering monarch in the play,

"Pour on, I will endure."

There are some people who seem to think that it matters not with what weapons they carry on their warfare, an attack is an attack with them, no matter with what instruments it is made. Thus we frequently see in literary and political controversies personal allusions, which ought to make the authors of them blush deep as scarlet, upon reflection. The enemies of Pope, it is true, were mostly the offspring of his own satirical powers; and yet the attacks upon him, that spoke of his deformity, were no less cruel and heartless in the extreme. Pope might have been, and undoubtedly was, severe enough, in his *Dunciad*, upon all the small wits of the age in which he lived, and many might have suffered by his severity; but that is no reason why they should have compared his figure to that of an *ape*, and published to the world the notable discovery that the initials of his two names and the final letter of the latter one, made up A. P. E. the characters of the very animal they likened him unto. And whatever provocation might have been given to Hogarth he ought sooner to have cut off his right hand, than have suffered it to draw that cruel picture of Wilkes, which sticks and will stick like a foul blot upon the painter's name, as long as gentleness and humanity shall have any hold upon the heart. Nothing in the "*North Briton*"—nothing that the pen of Churchill, dipt in gall, could have written, can warrant that wretched and infamous caricature. It is said that the death of Hogarth was brought on by the subsequent attack of Churchill, in the famous "*Epistle*" that the poet addressed to him. If this be true, it only shews the painter in a worse light, for he had neither the courage nor the power to withstand the effects of his own weapons, when turned back upon himself. If Hogarth was killed by Churchill's satire, he, at least, had the satisfaction of knowing, like Perillus in the Brazen Bull, that his death was nothing else but the fruits of his own machinations. I do not pity him.—I cannot feel for his misfortunes. He died the death of those heartless boys, who mocked at the bald head of the prophet. Who can say that he deserved not his end? Who can say that the blow was not dealt with justice,

#### A HYPOCHONDRIACAL FEEDER.

Croak was another acquaintance of mine. He did not forswear flesh, but he was always complaining that he had no appetite. His appearance bore him out in his assertions, for he looked as if he could not have swallowed an ounce of meat for the last fifty years. He had the externals of a man living upon vinegar and biscuit. The expression of his face was the most dolorous that can possibly be conceived; it reminded you of an unripe solitary lime hanging upon a withered branch. Croak was always "*dying*;" he felt that he was "*wearing away by degrees*;" his digestion was gone—he had no pleasure in eating—he had no appetite. He was in the most melancholy state that could possibly be imagined; he suffered from the nightmare; from the heartburn; from a vertigo in his head. He never met you in the streets without running over a long catalogue of his complaints; he had got all the technical phrases by heart, and, I believe, was his own

doctor. By his own accounts, it would have been natural to conceive that he was dying from starvation—from rigid and continued abstinence. I really believe that he thought so himself; and yet, if you wish to know the actual cause of poor Croak's multifarious complaints, ask him to dine with you. He will hum and haw; and beg to be excused. He will tell you that for a man in such a condition as himself, to dine out, is "really a mockery." He will say that he "has no appetite," rarely takes any dinner, and fears that he is dying. Upon the strength of this, if you do not know Croak, and happen to be an economical man, you will order a small dinner, something light and easy to be digested, enough for yourself to eat, and a little for Croak to play with. Reader; you may do this once, but I venture to say that you will never do it a second time. Croak plays a better knife and fork than any other man of my acquaintance. His appetite is prodigious. He will devour your delicate repast in five minutes, and leave you to go dinnerless to bed. He eats as much as a regiment of soldiers, and yet the most provoking part of the story is, that he has got nothing to shew for it. Your good things are thrown away upon him. He does no credit to your hospitality. He sits down at your table as a "looker on," and clears the board before the grace is out of your mouth. If he dines with you often, you will get the character of a skin flint, for Croak looks as hungry when he goes away from, as when he first entered, your house. Croak is either a rogue or a fool. He either practises the most gross hypocrisy, or his self-delusion is miraculous. All his sufferings, all his hypochondria result solely from over-eating himself. He is too great a glutton ever to grow fat, and yet he endeavours to persuade you that he is abstemious as an anchorite. Perhaps Croak has so persuaded himself. Out of charity, I hope, that he is. Croak likes dining by himself, and patronizes the chop-houses. Every waiter in Town knows him well, and charges him double. At the common prices he would ruin the best house in all London: as it is, I doubt whether the landlords make any thing by him. Croak goes to "Offley's" on a Wednesday night "to hear the singing," and calls out "kidneys for three." Croak is not a drunkard; he never eats and drinks together; he maintains that wine and spirits destroy the natural sensibility of the palate. Perhaps he would drink after dinner, but that he always sleeps. Nature exhausted calls for repose. Croak is an extraordinary character.

#### ON SCHOOL BOYS.

In spite of the popular prejudices against them, I have a partiality for school-boys. But they must be real, thorough-going school-boys; none of your little, band-box gentlemen, looking for all the world, like miniature likenesses of their fathers, or their guardians, and walking about with sparrow-like steps, stiff neckcloths, and lips mocking the phraseology of their elders. Such as these may be boys at school, but they are not worthy to be called *school-boys*. A school boy is quite a different animal—a fine, independent dread-nought creature with a flushed face, and ink-bespattered fingers. He has a heart light as air, and a body healthy from exercise. He "takes no thought for the morrow," and "knuckles down at law," with as much joyousness as his companions, though he knows that he is to be flogged when the bell rings. He has a hole in his knees, a patch in his elbows, and a hat, like a dethroned monarch, guiltless of a crown. He carries his hands, when, he is not using them, like Moore's crocodile, in his breeches' pocket, and never, as he does in after-life, considers that those pockets are empty. He spends his money as fast as he gets it, and when it is gone, resolves philosophically to "go without."—He is seldom or never "troubled with fits of narrowness," and is as willing to lend as he is at times anxious to borrow. He will have no qualms of conscience at robbing his master's orchard, but will give away his last six-pence to a poor woman in distress. He will be generous before he is just, because he has a more distinct idea of generosity than he has of justice, and acts always from impulse, never from deliberation. He never does any thing of which he is ashamed; he has not a particle of false delicacy; he will run into the presence of a stranger, unabashed, with a face dirty as Vulcan's, and clothes that would be refused by a Hebrew. If he is a duke's son it will matter not; school like Death levels all titular distinctions, and the embryo peer is no better than the tallow-chandler that is to be. There is something unique in the character of a school-boy, that stands out in solitary prominence from the canvas of life. A school-boy resembles nothing else in the world; he is no more like a boy brought up at home than a deviled kidney is to a piece of sopped bread. The one is all life, all spirit—free, reckless, and animated. He has a rosy cheek, a loud voice, and a hearty laugh. His every motion is springy and elastic; he runs forward impetuously, never looks round, and never stops to consider. He falls into a ditch, and the more dirty he is, by so much is he the more delighted. If he hurts himself, he disdains to acknowledge it. If he offends, he disdains to deny it; if he is offended, he takes the affair into his own hands. It is all give and take with him; he will fight with a boy one day, and share his purse with him the next. He cares not about his beauty, and therefore he cares little about a black-eye; on the contrary, he looks upon it as a trophy, and is proud to carry about with him the insignia of his valour. He will tell a lie for his friend, seldom for his self; and is as little afraid of a flogging, as he is of a ghost. When it is cold, he will run about the play-ground, till his whole frame is in a glow; he despises the very name of a great coat, and would as soon see his hands in fetters as he would in gloves. In the summer, he throws off his upper garments, and plays at cricket; then he rushes down towards the river, slaking his thirst by the way at a clear spring, and plunges, all heated as he is, into the stream. He is none the worse for it; he snaps his finger at all his grandmother's stories about cold, and about danger; he is a fine healthy fellow with the constitution of a rhinoceros; he will live, if I mistaken not, to eighty.

There are several other Essays, well worthy of quotation, and especially one "On Convalescence," in which the author embodies some very admirable criticism on some of our older dramatists; but we must abstain from further extracts from the Essays. Altogether we consider them very favorable



specimens of Mr. Kaye's talents and acquirements. They abound in just and striking thoughts, and the illustrations, which are very copious, indicate extensive reading, and are, in general, in very good taste. The faults of the *Essays* appear to us to be, that the author, in his desire of being original, is occasionally betrayed into paradox, and that he is rather too fond of classical quotations and allusions.

Besides the *Essays* to which we have been referring, of which there are twelve, occupying three and four, and sometimes five or six closely printed quarto pages, Mr. Kaye contributed to the *Calcutta Literary Gazette*, a great many poetical effusions, a story entitled the *DOUBLE FIRST*, in which he develops the character of *Everard Sinclair*, one of the principal personages of his novel of *Jerningham*, and *Gaspar Henric*, a tale in twelve chapters, of three or four pages each, all within the short space of six months,—between January and July 1834,—although, during that period, he had two serious attacks of illness! We need not say more to prove that he is a fertile and industrious writer.

Of his poetry in the *Literary Gazette*, we shall have to speak hereafter. Of the tale of "*The Double First*" we need not say any thing at present, since when we notice his first novel, we shall have to advert to the hero of it.

*Gaspar Henric* is a rather wild and improbable fiction; and one of the characters is very revolting, although he repents at last, very suddenly, tamed by the dread of starvation and the extraordinary generosity and humanity of his intended victims. The tale, however, is powerfully and eloquently, though not skilfully, told, for the conclusion is very abrupt and rather clumsily managed.

Soon after Mr. Kaye arrived in Europe, he printed, in Jersey, for private circulation, a small volume of poems, some of which had appeared in the *Calcutta Literary Gazette*. Many of the poems in this volume have great merit; and some rank very high in our estimation. Our first specimen shall be a few stanzas from the first in the book, the poem,

#### ON THE DEATH OF SHELLEY.

##### I.

Calmly and slowly the little boat  
From the distant land was seen to float  
Like a snow-white swan; and the glassy sea  
Basked in the sun so peacefully,  
That the sky, though it wore its brightest blue,  
Was scarcely of a deeper hue.  
There sat the poet at the helm,  
A book upon his knee.

It was a volume full of sweet  
And gifted poesie;  
The last words of a youthful bard  
Who died in life's first spring;  
He was not fit for this rough world,  
So delicate a thing,  
And satire's keen, evenenom'd dart  
Pierced through, and rankled in his heart,

##### II.

There sat the poet, you would scarce  
Have deem'd his boyish days gone by;  
There was such calmness on his brow,  
Such softness in his eye;  
But when you scan'd his features well,  
You could not fail to see  
A look of high, but passing sweet,  
Spirituality.  
A sunny look of calm content  
And gentleness combin'd,

That spake at once a heart at peace  
With all mankind;  
And ever and anon a smile  
Upon his lips arose;  
None but a poet ever had  
Such lips as those.\*

##### III.

There is a small cloud on the sky  
Like an isle in a far-off sea,  
And the poet is watching that little cloud  
With strange intensity;  
But that which was a little speck,  
Is growing now apace;  
And now, like a mourning veil of black,  
It has hidden the sun's broad face.  
And, hark! the wind is rising too—  
What is the little boat to do?  
For the dæmon of the storm has shaken  
Himself from a long, long sleep;  
And now, too, he begins to waken  
The spirits of the deep;  
Look above, and look below!  
Black as night and white as snow  
Are the sky and the ocean:  
Thunder and wind are trying to smother  
The shouting and bellowing of each other;  
Woe! Woe! Woe!

\* With fine lips a person is never wholly bad, and they never belong to the expression of emotions wholly selfish, lips being the seat of imagination.—*Shelley's Remarks on the Florentine Gallery.*

## V.

The winds have hush'd their Babel riot,  
 The weary sea once more is quiet ;  
 And in the sky is a glimpse of blue,  
 Like a maiden peeping her dark veil through ;  
 But where is the little boat ?  
 Go ye, and ask of the ruthless waves !  
 They will bid ye seek in the coral caves,  
 Where the ocean sprites at the depths of the sea  
 Are holding their fiendish revelry.  
 Thinking a glorious deed they have done  
 In the murder of Earth's most gifted one.

## VI.

They found him on the beach—a mother's eye  
 In that blank look of cold inanity,  
 In those decaying features scarce could tell  
 She saw the face of one she loved so well.  
 He had been dead some days, but when they took,  
 From out his dripping vest, a little book,  
 And read the name of one that was his friend,\*  
 Then was each doubt they cherish'd at an end :  
 They knew that it was *SHELLEY*. Who can say  
 The best are not the first to die away ?

## VII.

A single fir-tree mark'd the spot  
 Where they rais'd the funeral pyre—  
 A single fir-tree scorch'd and rent  
 By the lightning's fire.  
 'Twas the very spot for a poet's grave,  
 Lash'd by the foam of the bursting wave—  
 The bursting wave that seem'd to moan,  
 As though it griev'd for the work it had done.  
 Afar off rais'd their heads on high  
 The white-crown'd Alps of Italy ;  
 And the huge cliffs o'erhung the sea  
 In masses wild as wild could be,  
 And on their summits you might see  
 A few old towers worn and grey,  
 E'en beautiful in their decay,  
 Which, as he journeys t'wards the sun,  
 The eagle loves to rest upon.

These stanzas, which are a fair specimen of the entire piece, display, we think, much poetic feeling, and there is a touching pathos in the allusion to Keats, which irresistibly appeals to our sympathy.

There is nothing maudlin or lackadaisical in any of Mr. Kaye's poetry ; but he seems to have a decided *penchant* for the sentimental and the mournful, which in one so young is passing strange.

In the poems contained in the small volume before us, Mr. Kaye has adopted various styles of versification, in some of which he has been very successful. He does not appear to be partial to the sonnet, as there are only two sonnets in the volume, nor is he much addicted to blank verse. Of the two poems which he has produced in that kind of versification, one professes to be an imitation of Miss Landon ; the other is a dramatic sketch, a mere fragment, in the shape of a dialogue between Cromwell and his daughter. Of the first of these two pieces we can only say that, although it is not wanting in poetic feeling and descriptive power, we do not think it very successful as an imitation of the modern Sappho, save in its mournful tone.

We have been induced to quote the poem on the death of Shelley, not merely because we think highly of it, but because the author, by placing it first, seems to consider it the best in the volume ; but there are two other poems which we rank above it. Of the first of these, the lines " Composed at sea by Moonlight," we can only afford space for the following specimen :

## COMPOSED AT SEA BY MOONLIGHT.

The moon bath clomb the top-most Heaven  
 And looks down on the wave,  
 Like the eye of hope which gleams upon  
 The darkness of the grave.

I am sitting now beside the helm  
 Watching the waters black,  
 Close with a low and sullen roar  
 Behind our vessels track.

On, on, she goes, like a pawing steed,  
 As though she felt delight  
 In the freshness of the evening breeze  
 And the beauty of the night.

She almost seems like us to know  
 That her course is well nigh run,  
 And is giving a bounding spring at the last  
 That the goal may be bravely won.

\* Keats.

How beautifully white she gleams  
In all her proud array,  
You can see the shadow of each rope  
As clearly as by day ;

And as you look on her many sails  
From the helm unto the prow,  
It were not difficult to think  
As I am thinking now,

That the spreading canvas over-head,  
The mariners asleep,  
And the huge, pointed guns were like  
A camp upon the deep ;

Whilst the helm's-man's eye on the compass-light  
Is fixed as on a spell ;  
And he stands, scarce moving, by the wheel  
Mute as a sentinel.

Wordsworth would probably class this as a poem of the Fancy. We have little skill in classification ; but we think the thoughts and images in this production are all highly poetical, and that they are developed in very sweet and graceful verse. The first lines of the first and third stanzas " we think we have met with before," as Mr. Sueer, in the *Critic*, says.

Our next specimen is that of an

" INVOCATION TO THE SPIRIT OF BEAUTY."

Spirit of Beauty !

Who hast thy home in the golden west  
When the blushing sun goes down to rest ;  
Who lovest the white-maned waves to ride,  
And to go the silver-rimmed clouds astride,  
Breathe on my song.

Thou who dost sit on the snow-crown'd mountains,  
And sleepest beside the babbling fountains,  
Who climbest the pine-tree tops by night,  
And dost bathe them all with a stream of light  
From the silver moon.

Thou, who dost deck the Spring  
With a robe of green,  
And weavest a shroud for old Winter too,  
The whitest that ever was seen.

Beautiful Spirit, who delightest  
To place on Summer's brow  
A garland of flowers the sweetest and brightest,  
Breathe on me now.

Thou who dost tell a tale of love,  
Which maketh the rose to blush,  
And pourest into the lily's ear,  
In whispers low, such a tale of fear  
That her face and her fore-head turn deadly white,  
And never recover again from affright.

Thou who dost water thy couch with tears,  
When the black veil is spread o'er the face of day,  
Dew-drops which freshen the languid earth  
Till the Sun comes and kisses it dry in his mirth,  
List whilst I pray.

Thou who dost canopy the earth,  
By day with a pall of blue,  
And spreadest by night o'er the dome of Heav'n  
A curtain of sable hue,  
Bespangled with glittering studs of light,  
In number and splendour infinite.

In earth and in ocean  
I see thee—I hear thee :

In calm or commotion,  
Thou ever art near me ;  
When the storm-blast is strong,  
The lightning is flashing,  
And the clouds like a throng  
Of giants are dashing  
With a war-cry of thunder  
Their dark limbs out—  
They meet and asunder  
They rush with a shout.

Spirit of Beauty !

Who sittest enshrined on the human face  
And makest the heart thy dwelling-place,  
The deep-seated cave of thy oracle, whence  
Thou turnest man's words into eloquence ;  
I bless thee ! I bless thee !

Thou who the Painter's hand dost guide  
 And sittest the lofty-browed poet beside,  
 'Till the shapes of the one and the words of the other,  
 Have become as a flame which long years cannot smother—  
 I bless thee ! I bless thee !  
 For thou hast shed  
 A light o'er the world  
 Unlimited ;  
 A glory around thee,  
 On every side,  
 Which has made a new Eden,  
 Though one was denied ;  
 And hast hung up thy lamps in the realms of space,  
 To burn till creation shall leave no trace  
 Of the beautiful things in earth and air,  
 Which the light of thy spirit had planted there.

We consider this to be one of the most imaginative poems in the volume, and altogether, with the exception of one, which we shall notice hereafter, the most beautiful of the author's poetical effusions. The last four lines, which we have marked in Italics, are exceedingly fine. There are not many men who have written such poetry at nineteen.

We come now to those works of fiction of Mr. Kaye's which have elicited the highest praise from some very able critics in England. The first of these, entitled "*Jerningham, or The Inconsistent Man*," a novel in 3 vols. octavo, was published in June 1836. The principal design of the author in this production may be gathered from the following extract from his

"APOLOGY FOR THIS BOOK."

One of the most conspicuous actors in the ensuing history, is an enthusiastic reformer of the Shelley school, who is frequently represented as giving utterance to opinions widely at variance with those which are received by the community at large. He is represented pure, honest, benevolent, and self-denying, having no other object in view than the ultimate happiness of his fellow-men, yet withal an enemy to Institutions, and a seceder from the established faith. I have drawn this character,—and it is with the utmost diffidence that I thus venture to speak of myself,—not because I in any way entertain the opinions which, wisely or unwisely, I have made to issue from the mouth of this ideal personation,—not because I am inimical to establishments, or likely ever to lend any assistance towards the vain attempt of re-organizing society ; but because there is much of intolerance in the world,—little of that charity which "vaunteth not itself,"—little forbearance exercised towards the professors of opposite faith,—little of that true Christian benevolence "which is not hasty to judge, and which requires full evidence before it will condemn,"—which, "however much soever it may blame the principles of any sect or party, never confounds under one general censure all who belong to that party or sect ; and does not from one wrong opinion infer the subversion of all sound principle."\* In short, I have drawn this character, because I am an enemy to intolerance from whatsoever quarter it may proceed, (and not unfrequently the latitudinarian, who complains of the intolerance of the churchmen, exercises a less measure of toleration towards the very churchmen he condemns,) and, because I am of opinion that every profession may number in its ranks men of unblemished morality,—men pure, upright, benevolent, and self-sacrificing,—that the true spirit of Christianity may, and often-times does, exist, where the forms of the Church unobserved ; and that,—but Lord Bacon has expressed an extreme opinion upon this subject,—an opinion which I would scarcely venture to promulgate upon my own responsibility.

With this impression, whether true or false, I have attempted to delineate, in the ensuing pages, the characters of two good men,—both equally benevolent, though one has the world with him, the other the world against him,—though one is the friend to establishments, a lawyer, and a member of parliament,—the other, an enemy to establishments,—deeming that, for the most part, as at present instituted, they are prejudicial to the interests of society. But how different are the events which distinguish the lives of these two good men ?

In the delineation of these characters, we think the author has been very successful, although he is liable to the objection which has been urged against him, of leaving it doubtful which of the two he meant to represent as having, in his estimation, acted the nobler part. Why he should have left that point doubtful, we cannot clearly understand ; for we can scarcely suppose that he could hesitate between them. There is no room for a doubt in our minds. We can imagine that there are in the world many characters as "enlightened

\* Blair.

and benevolent" as *Mathew Jerningham*, the uncle of the hero; but we know that, unhappily for mankind, such characters as *Everard Sinclair* are too rare. We believe the author is of our opinion, for he has apparently drawn that character *con amore*, and it is accordingly the most forcibly drawn of all those in this novel; but it is far too beautiful and perfect for human frailty.

We have thought it right to let our reader into the general design of the work, as described by the author; but we have not the least intention of giving any analysis of the story. We shall endeavour to give a candid estimate of the character of the work, and then submit such extracts from it as may serve to support our opinions of it.

The ablest criticisms on this production in the English Journals, are highly favourable; but the author himself condemns it severely. He "regrets having perpetrated the work in the thoughtless vanity of" his "immature judgment." He is entirely wrong, as much better critics than himself have decided. We do not mean that *Jerningham* is a faultless work; very far from it; and in order, at once, to show that we are not going to fly out into the opposite extreme of the excessive self-condemnation we have quoted, we commence our summing up of its character, with an enumeration of some of its most striking faults. There are, then, in *Jerningham*, a great deal of pedantry, a great want of skill in combination, several absurd and some coarse passages, and some false sentiment, while the dialogue too often runs into dissertations. The characters occasionally talk essays, and are too often too much upon stilts to be natural. The great blot of the work, however, is *Delaval's* revenge, which is utterly revolting, and, indeed, his character is altogether out of nature. We cannot imagine a boy becoming suddenly so passionately fond of a school fellow, as to be worked up to madness almost, even by the slightest appearance of that school fellow's attention to another; and then, because this boy, years afterwards, speaks insultingly of his *quondam* playmate who had saved his life, to think that the insulted party should cherish revenge for years, and at last hit upon the awful expedient of gratifying it by debauching the son of the offender; that the offended man having a large fortune should for years descend to the drudgery of a tutor in order to accomplish his object; and that he should devote all the energies of a powerful and gifted mind to the diabolical purpose of making the child of a former dear friend (who had never injured him, indeed, but by a few heedless though cruel words), an atheist and a drunkard! This is too dreadful. Another fault alleged against the work is, that the school boys are philosophers; for this the author has ingeniously and gracefully apologized in his preface. We agree with one of his critics, however, that, notwithstanding the apology, his school boys are still first rate philosophers. Such are the more palpable faults of *Jerningham*; but we are almost inclined to question whether they are not all atoned for, by its many striking merits. The work displays great power, a very subtle and imaginative mind, and extensive and curious reading. Some beautiful thoughts are scattered through it, some of the characters are very forcibly drawn, and there are not a few exceedingly eloquent passages in it, and some infinitely beautiful and pathetic scenes. *Jerningham* is a production of genius uncorrected by matured judgment and experience. We now proceed to our extracts.

#### EVERARD SINCLAIR.

A second boy was born unto them, Everard, delicate in body but vigorous in mind, the darling of his mother, the aversion of Mr. Sinclair, the very antipodes of his elder brother, Charles. His intellect was rapid in its development; it expanded like a beautiful flower, cherished by water from the fountain of a mother's inexhaustible love.

He advanced in years; he ceased to be a child; but still he was the good genius of the house. He was the gentlest, the kindest, the most forgiving of God's creatures. He was full of patience, fortitude, and love. Do what you would to him you could not offend him. He had no thought for himself; he would have kissed the hand that smote him, and blessed the most bitter of his enemies.

But upon Mr. Sinclair, all these endearing qualities were, unfortunately, entirely thrown away. This worthy man regarded poor Everard, to use his own expression, as a "born natural." The gentleness of the child's disposition was particularly offensive to Mr. Sinclair. His endurance was called "want of spirit;" his kindness was "nothing but hypocrisy;" his charity and affection were "sickly sentimentalities;" his desire of knowledge and his consequent studiousness were interpreted into physical indolence. "In short," said Mr. Sinclair, "I disown him; he is no son of mine; I detest him. He will disgrace both himself and his family; he has not a day's work in him; he does not know barley from oats; and says that Virgil was a farmer. He is fit for nothing but a poor scholar. His milky face and his soft speeches turn me sick. He has never said 'd—n me,' in his life. We shall be able to make nothing of the thing,"—and Mr. Sinclair looked ineffably disgusted.

But Everard, *thing as he was*, waxed daily in genius and kindness. His was not a fair-weather temper. Neither light breezes nor rough winds could ruffle the waters of his serenity. His father kicked him and called him a natural; his brother thumped him, and called him a girl; but his mother kissed him, and said, "my beloved," and Everard's sufferings were forgotten in the ecstacy of that maternal embrace.

But what could Mrs. Sinclair do? She wept over the persecution of her son; her heart was rent in pieces, for she was powerless; she remonstrated, but it was all in vain. Her exhortations, full of kindness and submission as they were, brought nothing but the harshest replies. Mr. Sinclair was naturally obdurate; of what avail was it to reason with him? You might as well have argued with an Ethiopian in the polite language of Tuscany. He was to the last degree impatient of contradiction. To oppose him was only to push him forward; it was like throwing a ball against brick work; it rebounds even past the thrower. What could poor Mrs. Sinclair do? Every attempt that she made to turn the current of her husband's affection upon Everard was met with the most open hostility. But this could not last very long. She struggled; she endured; she died.

Everard was now left alone in the world. The thread of human sympathy was broken. He betook himself, for consolation, to his books. And the sufferings of Everard Sinclair commenced at that hour.

#### HIS STUDIES.

The first book, after the death of his mother, to which the young student seriously applied himself, was the one, of all others, the most likely to delude a young and enthusiastic understanding,—a work full of eloquent sophistries and plausible untruths, the emptiness of whose arguments is glossed over by the oratorical fervour of its language. It was Volney's *Ruins of Empires*.

Now, if Everard had been a little older; if the glowing enthusiasm of his temperament had been a little more tempered by judgment; if his understanding had been of a less imaginative and a more logical nature; it is probable that Volney's book might have been perused without any dangerous consequences. But his intellect was precisely in that condition which is most prone to be deluded and led astray by the plausible, the eloquent, the sophistical.

The young student read and was staggered; but very far was he from being convinced. A new light had burst in upon his brain; and many things undreamt of before rose up on the arena of the consciousness. He resolved to inquire more minutely; he was not contented with a partial illumination. "This is strange," he said, "but it is true!" as he laid down the *Ruins of Empires*.

From Volney he turned to Helvetius, and his orthodoxy received an additional shock: next Diderot was consulted, and our Hume; the edifice of his faith, tottered more; the belief of his forefathers was undermined and shaken to the very base. Up to this point the truth had been shut out from him—up to this point he had been walking in darkness. He abandoned his old creed, but he did not immediately take up a new one. He was in doubt, he was perplexed; he knew not what he was doing. He asked himself whether he was entering the true Canaan,—the Land of Promise he had been seeking so long.

He was very young; he believed that he was doing right. There was no one whose opinion he could ask; he was obliged to rely upon the strength, or the weakness rather, of his own intellect. He had no other object but the acquisition of truth. He thought, for he was no casuist, that he was treading the right path; but he was not. He said to himself, "Prejudice is the sworn foe of truth. I must dispossess myself of all prejudice." He had been, from his cradle upwards, imbibing the doctrines of a particular creed; he had sucked in orthodoxy with his mother's milk. He was prejudiced; it behoved him to throw aside all foregone conclusions, and to set out in search of truth with a mind quite denuded of bias.

But endeavouring, in all sincerity, as he did, to set the scales of his judgment in equilibrio, he only emptied the balance on one side to make that on the other preponderate. There is nothing more difficult in the world than to force one's-self to be unprejudiced. Prepossessions are spontaneous, not voluntary. We cannot control them at will.

Let no man condemn Everard. He thought that he was doing right. But he was ignorant; he was quite a child; it did not occur to him that the knowledge which we acquire by our own exertions, by our own patient and methodical investigations, takes root in the mind with a stability which is not possessed by that which is communicated to us, through another, by fitful and irregular starts. A man may throw a cloak over your shoulders, but you must draw it tightly around you with your own hands, or you will lose it. Besides, Everard was wiser and older than he was when the parish minister was the oracle of his youthful understanding; his intellect was now more cultivated; the soil was in a fitter state to receive whatever seeds might fall upon it; but the poor boy forgot all this. He took up the *Système de la Nature*; he read a few chapters; but he did not like it; the style was too inornate; he threw aside the volume, and took up (I know not how it got there) Sir William Drummond's *Ædipus Judaicus*.

How much better it would have been for her son if Mrs. Sinclair had burnt all these books. "A little philosophy," saith Bacon, "inclinaeth men's minds to atheism; but depth in philosophy bringeth men's minds about to religion." What could be expected from Everard, a child studying metaphysics, but error and untruth? An infant playing with the strings of a harp maketh not sweet music.

#### HIS OPINIONS.

He thought that the great machine of society was badly organized. He thought that there was more unhappiness and unrighteousness in the world, than is accordant with the desire of a merciful God. He conceived that by a concurrence of voluntary energies, very much of this evil might be amended. He did not think that the institutions of humanity were founded upon true Christian principles. This was unfortunate; for people in general care less about the spiritual than the conventional. The world is more violent in defending the forms, than the essence of the religion it professes.

I hope that I have made it appear that Everard was neither an atheist, nor, indeed, a follower of Anti-Christ. I have tried to do so. Perhaps I have failed. However, his deeds will speak for him. When they said that Sophocles was mad, he read his *Ædipus Coloneus* to the judges.

"But Everard Sinclair was, at all events, heterodox. He did not belong to the Church of England, nor subscribe to the Thirty-nine Articles." There I abandon him,—I give him up. I have nothing to say in his behalf, but that he had some very excellent qualities. Bear with him, I beseech you. Do not condemn him, for he condemned no one. Deal with him as Isaac Walton did with the frogs. Deal with him as though he were your brother.

School has been rightly called "a microcosm;" it is, indeed, a little world; the argument of a greater work,—the sketch of a larger picture,—a puppet show,—a theatre in miniature. It is a sort of undress rehearsal of the tragedy of life. Life is always a tragedy, for there is death in the closing scene.

#### A SCHOOL.

Those were the happiest days of my life,—the days of that vacation at Heathfield. It was beautiful summer weather, and I was in the enjoyment of all that I could wish. I was then nearly seventeen years of age, and Everard was a few months my junior. That same age of seventeen, methinks, is, above all others, the season when life is most bountiful in its blessings. We then begin to be conscious of enjoyment; to know that we are really happy. Knowledge is just beginning to dawn upon us. The pleasures of the intellect are enrobed in all their freshest garments of beauty, and those of the affections are girt about with a glory which is bedimmed in maturity. We are standing, as it were, upon the bridge across the stream which separates the child from the man,—which passes from ignorance to knowledge. Life is replete with hope,—our bosoms glow with enthusiasm. We dream of futurity, and live in the midst of imaginary scenes. We know just enough of life to look upon it as a radiant thing, and to glory in our frail humanity. We know just enough to be happy. At seventeen we have arrived at a season of existence, which, above all others, is most pregnant with enjoyment; equally remote as it is from the dull ignorance of childhood, and the desolating knowledge of maturity. Oh! that I could have made a stand there, and have advanced not a step further into the gloom of the valley of years!

Everard falls in love, and his passion is returned. He thus describes the bliss of being beloved:

The chalice of my joy runs over; I am no longer an unblest, solitary being, treading the path of desolation. I am happy—nay, more, I am *beloved*; and in that one word is comprehended all that is most blissful upon earth. What a beautiful thing is affection! Like the tree which the Prophet of Israel cast into the waters of Marah, it sweetens the bitter fountain of life. It is even as the "wondrous alchemy" of Medea, the sorceress,

Which, wheresoe'er it fell, made the earth gleam  
With bright flowers, and the wintry boughs exhale  
From vernal blooms fresh fragrance.

We have already objected to this work, that the characters are too much on stilts, but there are passages in it which are at once natural, touching, and eloquent. Such is that which describes *Jerningham's* first interview, after his return from India, with a sweet girl whom he afterwards marries, from pique, not from affection, and hurries to a premature grave by his unkindness and neglect :

We spake of past,—of our childish days ; and upon such a theme, we were more than eloquent. We spake of joys departed,—of events long buried in the sepulchre of time,—of feelings which once had been, but which now were not, and never would be again. We called up a thousand things for many years wrapped in oblivion, which now we remembered and spake of with the tenderest and most affectionate emotion. Every word that we uttered was a note from our heart's lyre ; and there was music in the tones of our voices, 'because there was harmony in our souls. Our accents were very low, for deep feeling is not otherwise than quiet ; and memory stole over us with a soothing power which was sweet, though laden with sadness ; and thoughts, too holy for utterance, vented themselves silently ; and their stillness was more eloquent than words.

Then we burst the bonds of silence, and language again came to our relief. We spake of events which had happened since we two had dwelt asunder. I told of my travels and my loneliness,—my sickness and my struggles with death. I said that in the hour of tribulation, when disease sat by my couch, and pain was my bed-fellow, night and day,—and when there was none to help me,—I had thought of Heathfield and of Ellen, and a light shone upon the darkness of my despair, and peace entered the dwelling-place of my soul. Then Ellen spake of all that had happened at Heathfield since last I had seen her. She told me of her poor brother,—how the boy had been neglected at school, and sent home too late to his parents,—how she had nursed him many weeks, scarcely resting from her vigils, because she loved him very dearly ; and the boy liked best to be tended by Ellen—his own sister Ellen," as he called her. Then she told me how the boy died,—died in her arms one night, when all beside her slept ; and how she was left alone with death, but feared not, because her God was in the chamber. And when Ellen spake of these things she wept. Poor girl ! she had seen much of grief ; and

Many innocent tears  
Witnessed her sorrow, pure as April weeps  
Into the bosom of the spring.\*

In the second volume there is a description of a wild Bacchanalian revel *al fresco*, by torchlight, which is more extravagant, perhaps, than any thing in the work ; but which, in spite of its pedantry and bad taste in general, is not wanting in power, and indicates a classical turn of mind. The leading star among the choice spirits at this mad orgie, is the gifted and gay young *Lord Leicester*, the victim of *Dalaval's* iniquitous revenge, and he sings the following song, which appears to us to be a very spirited and classical lyric. As Leigh Hunt would say " there is a proper Bacchanalian roar in it." A critic in the *Monthly Review*, says of the penultimate stanza, that " it is almost sublime from its excess of extravagance :

#### EPICUREAN SONG.

Let snarling Cynics rail at it, and priests say what they will,  
A bright and joyous world is this ; and I will love it still :  
A thousand glorious things there are which make this earth divine ;  
But high above them all, in worth, is the juice of the great vine.

There's a blessing in the sun-light, a blessing in the air,  
And blessings on Dame Nature's face, which laugh out every-where,  
But none to equal those which swim in the depths of a deep bowl,  
For none, like them, can raise from earth the lazy-pacing soul.

I sit within my bower, and enjoy the cooling breeze,  
Which plays upon my forehead through the rain-besprinkled trees ;  
While the perfumes of a thousand flowers from the scented earth rise up,  
But what in sweetness can excel the aroma of the cup ?

A maiden sits beside me as I quaff the glowing wine,  
And she presses with a gentle touch her blissful cheek to mine ;  
But the roses though they mantle on that softly-swelling cheek,  
When they blush beside the rosy wine, are lustreless and weak.

\* *Shirely's Duke's Mistress.*



I sip the sparkling nectar, and it mounts up to my brain ;  
I feel the presence of a God in each distending vein.  
A holy rapture seizes me, an ecstasy divine ;  
And is there not a Deity for ever in the wine ?

The earth it reels, it totters ; and the trees dance to and fro ;  
The mountains shake their hoary heads and wave their cape of snow ;  
The far-off city staggers with a strangely-trembling motion,  
And the gentle sky bends down to kiss her wild lover, the Ocean.

The sun itself whirls round and round, and now 'tis overcast ;  
And darkness overspreads the day as though it were the last.  
There is a torrent in my brain,—a film across mine eye,—  
Oh ! Father Bacchus, help me, for I fall, I faint, I die !

“The Mœnad’s song”, which follows, though in a still more classical vein, is very inferior, and therefore we shall not quote it.

Our next extract describes

#### CHARITY.

But Everard Sinclair was benevolent and wise. His charity was of the most valuable order because it was *active* charity. Had he given tens of thousands to the poor, without entering their gates, he would have achieved but a small fraction of the good which his exertions brought about. Energy of purpose, subtlety of device, unshrinking fortitude, and laborious zeal, were instruments in his hands, which compensated for the absence of gold, and were the constant hand-maidens of his benevolence, whose resources were unfailing, however conflicting the difficulties against which they were summoned to contend. Beneficence was a science with him, and how to be beneficent his study.

We must now venture on a very long but a very beautiful extract. It is a common remark that a love scene is rarely interesting in description ; but Mr. Kaye has furnished one which is far from being liable to this objection. Any thing more exquisitely pourtrayed than the scene in which *Jerningham* and the lovely enthusiastic, *Margaret*, discover their mutual passion, we have seldom met with. If any carping critic be disposed to object that the language is too exalted, let him reflect that it is the language of youth and enthusiasm, gifted with eloquence and taste, and seeking to develop the ardour of new-born love :

Mr. de Laurier went his way, and I abandoned myself for a few minutes to the pleasantest reflections imaginable. But I did not remain idle very long ; for I started up, and cried, “ Fool, fool, to enjoy the shadow instead of the substance,—the image, and not the reality of bliss.” So I drank of a bumper of wine to “ Sweet Margaret de Laurier ;” and, hastening up stairs, in a moment I was seated by her side.

How radiantly beautiful she was ! what harmony in that impassioned face ! She was reading when I entered the room, and the poetry of the volume before her was legibly written upon her countenance. You might tell at once what she was reading by the peculiar expression of her features.

She was sitting upon the sofa with her book ; and her beautiful sandaled feet were resting upon a worked cushion. I would have given the whole world to have kissed those little feet.

I seated myself beside her. She was so wrapt up in her book, that she did not know I had entered the room. I tried to say something, but I could not ; I looked into her face ; Margaret was aware of my presence ; but she did not raise her eyes from the book. At last, I said “ Margaret ;”—and she looked at me, and answered, “ Claude.”—Then I knew that my love was returned.

Presently she inquired after her father. “ He has gone out,” I said ; but I would not tell her where he was gone. This was partly selfish, and partly not ; I would not distress Margaret, and I wished her to think of no one but me.

“ Will he be back soon ?” asked Margaret.

“ Not very,” I said ; “ do you wish him to come back ?”

Margaret did not answer ; but her face seemed to say, “ I do not.”

We spoke of various things ; but we did not say that we loved one another. It was pleasant to feel this, without uttering our feelings. We seemed to shrink from words, as too noisy and palpable to embody the delicacy of our sensations. That is a pretty Oriental custom, where love-letters are made out of flowers.

We spake of beauty,—universal beauty ; and this led us to consider the respective advantages of personal and intellectual endowments. Margaret contended in favour of the latter, whilst I was vehement in exalting the former. I said that, in my opinion, beauty was the greatest blessing in the world ; but Margaret said, that it was a feather when weighed in the balance against genius. We were, both of us, very much in error ; but it was a beautiful theme for lovers to converse upon.

Margaret astonished me by the mingled delicacy and profoundness of all her remarks. I wish that I could remember what she said ; but I will endeavour to give a draught of the conversation.

She did not talk quite like a philosopher ; but then she was a mere girl ; scarcely nineteen years of age ; and though she was not always right, she was always very clever in her observations. For my own part, I don't like young people to be logical.

"What is it, Margaret," I said, "that changes a wilderness into an Eden, and 'makes a glory, in a shady place?'"

She did not answer, for some moments ; but she blushed, and I knew what she meant. "Will you not tell me?" I asked ; and leaving her to finish the sentence, I continued,—"*Margaret, is it—*"

And she *did* finish the sentence. One little, quaint monosyllable, worth all the language beside—*Love.*

If there was idolatry in my heart at that moment, I hope to be forgiven.

"Yes, Margaret, it is love ! and what a beautiful thing it is. 'Many waters cannot quench love, neither can the floods drown it ; if a man would give all the substance of his house for love, it would utterly be contemned.'"

"How beautiful !" cried Margaret, "those must be inspired words."

"They are," I said, "it is the language of Solomon. You acknowledge then, with me, Margaret, that love surpasses all other blessings, as the sun outshines all the stars of the firmament. But what is the oil, Margaret, that cherishes the lamp of love?"

"Genius."

"I think not ; I am sure not, Margaret ; it is *beauty*. *Genius may awaken admiration, honour, respect, flattery,—but it will not awaken love.* We *fondle* that which we love, but we could not *care* deformity, though it were the temple of brightest genius. We look with an eye of kindness upon all beautiful things, even the many-coloured, crested snake, as its graceful folds glitter in the sun ; we love it, though it has venom in its mouth,—there is that in *beauty*—"

"Claude, Claude, I will not suffer you to go on ; you talk of beauty,—what then is genius ? Is it not intellectual beauty ? What is the body when weighed against the mind ? what is this dull mass of clayey matter to the essential soul of man ? What is a span of life to eternity ? Oh, Claude, do not set up the substance against the spirit of man ; stones, flowers, all insensate things, the birds of the air, the brutes that perish, are clothed in robes of beauty and splendour ; but man—only man, Claude, whom God made after his own image, is illuminated with the light of genius, and can boast the possession of a soul."

"Alas ! Margaret," I replied, "we have fallen upon evil days. That genius is a more ennobling possession than beauty, I seek not to deny. I should be insensate, indeed, were I to do so. But is it a *greater blessing* ? Margaret, I think not. They who have *both*," and here I paused, and looked significantly into the maiden's face, "they who are doubly-gifted, know not how to answer this question. They are beloved ; they are conscious of the result ; but when they dive into the cause of this mystery, it is natural that they should rather believe that their attractive powers are centred in their minds than in their bodies, because the mind is so much nobler than the body. There is a pretty little eastern fable——"

"Nay, Claude, I won't allow your fable to have any weight," cried Margaret, shaking her dark ringlets, and smiling with a face full of joy.

"Then what say you to a fact, my little utilitarian ? There is one Madame de Stael, a vain woman it is true, but a woman of great genius ; she said, that for one attribute of beauty she would exchange all her mental endowments. I like her the better for this ; she was sick and weary of admiration ; she wished to barter it for love. I have heard this speech differently interpreted, but such is my construction, it is charitable ; Madame De Stael had an unlovely person, and she was like the sensitive plant of your own dear Shelley, which (you must tell me if I quote not aright,)

'Has no bright flower ;  
Radiance and odour are not its dower ;  
It loves e'en like Love, its deep heart is full,  
It desires what it has not, the beautiful.'

When I apply these beautiful verses to the French woman, I apply them to all who, like her, have genius without beauty, and who are taught by the presence of the former to feel more acutely the absence of the latter."

"If love were only the hand-maiden of beauty, then, Claude, I would say with you, there is nothing like beauty in the world. But it is not so: I will quote you a passage from the same volume," and she started up to fetch a book which was lying on the table. It was a Paris edition, containing a triad of poets, Coleridge, Shelley, and Keats.

She turned over the leaves of the book, and, presently, in a sweet silver-toned voice, she read the following lines from the Prometheus:—

"Common as light is love,  
And its familiar voice wearies not ever;  
Like the wide heaven—the all-sustaining air,  
It makes the reptile equal to the god.  
They who——"

She paused suddenly, her face, her neck, her shoulders, were died with a crimson hue. She bent her head forward, and she pressed both her hands upon her eyes, like one who strives, with all her might, to prevent the tears from gushing forth. Then she trembled all over, "from the crown of her head to the sole of her foot," the excitement of her feelings made her tremble, and all because she had alighted upon a passage which was strangely applicable to her own condition.

"Margaret, are you unwell?" I drew myself closer to her side, and gently withdrawing her pressing hands from the bright orbs that they covered, I continued, "Oh, Margaret, speak to me! Have I said anything?—yet that were impossible! You alarm me, my dear Margaret!" and Margaret lifted up her eyes.

Then, seeing that she had almost recovered herself, I cried—"Will you read on? I should like you to finish the sentence, though I hardly know what it contains: I am sure it must be something very beautiful, yet I dare not look at it myself. Margaret, I should like you so much to finish reading that passage."

"Give me the book, Claude. I will read it, if you wish me to do so. Yet how foolish I am. You must think me a great simpleton, I am sure." And then taking the book into her hand, she fixed her eyes upon the printed page, though they traced not the characters written there; for they were too full of tears to see any thing distinctly, and Margaret knew the passage by rote. I never shall forget the tones of her voice, as she articulated the following words: I never shall forget the thrilling emotions with which I drank in every syllable she uttered. She began the passage anew:

"Common as light is love,  
And its familiar voice wearies not ever;  
Like the wide heaven—the all-sustaining air,  
It makes the reptile equal to the god.  
*They who inspire it most are fortunate,  
As I am now, but those who feel it most  
Are happier still, after long sufferings,  
As I shall soon become,"*

What a beautiful thing it is to make love over a volume of poetry!

"Heaven bless you, my Margaret!" I cried. "Yes, my Margaret:" and was she not my troth-plight bride, as much as if she had said, "I am yours?"

"Heaven bless you, my own sweet Margaret!" And encircling her trembling waist, with an arm scarcely less tremulous, I pressed the palpitating maiden to my bosom, whilst a long, burning, passionate kiss, that would have gained the prize at the Dioclesian festivals,\* bespoke the intensity of my love.

\* \* \* \* \*

"What a beautiful volume this is, Claude! I am so glad that you admire Shelley. Do you know, I please myself with the fancy that Shelley was an Italian poet. His writings are imbued with an inspiration peculiar to that sunny land. He lived there, and he died there, you know. I look upon Byron, too, as half an Italian, and Keats. Do you speak the Italian language? It is the language of poetry and"—she paused, and cast down her eyes. Her frame trembled slightly. Whenever she was much excited, she shook all over like an aspen leaf.

I finished the sentence in her stead—"Love, Margaret! It is the language of poetry and love. I am but a poor scholar: my ignorance puts me to the blush. I have read 'Petrarch,' and some portion of the 'Giarusalemme'; but my knowledge is very imperfect. I will learn it, though, for your sake, Margaret. Perhaps you will teach me." And I smiled.

Margaret's countenance assumed a serious aspect. "Claude," she said, "I was born in Italy. You know not what aspirations I have to visit that sunny clime. I am an Italian,—my father is an Italian. You will not quarrel with me, Claude, for boasting that I belong not to the same country as yourself."

\* Festivals in honour of Diocles, celebrated annually at his tomb, where the youth who gave the sweetest kiss, was publicly rewarded with a garland.

"No, Margaret." And I smiled upon her. If my heart spoke out from my face, assuredly that was a loving smile.

"I was an infant,"—continued Margaret,—“a baby, when they took me from father-land; but I may not visit it again: an angel, with a flaming-sword forbids me to re-enter this Paradise. Do you know why,—why,—why?” And there was an unusual energy in the tones of her voice. “I will tell you, Claude,—I will tell you. Listen!”

"My dear Margaret," I said, soothingly; “do not be thus excited. Spare yourself the recital of this story. Believe me, I know all.”

"And who told you?" asked Margaret earnestly.

"My uncle, sweetest:—do not distress yourself. Let us forget this. Shall I read to you?"

Margaret had suffered the book to fall upon the ground. I went down upon one knee to pick it up. I did not rise, for I saw the cushion upon which Margaret's feet had been resting; one little foot was still there. I looked up into the maiden's face, “May I sit upon that cushion,” I said.

Margaret smiled. “You may sit there,—why not? But my Lord Hamlet—” Then she checked herself suddenly, and continued, “I almost forget, Claude, what I was about to say. Something very silly, I am sure,—something not worth remembering.”

I sat down on the cushion, as Hamlet sat by Ophelia. It was some allusion to this that Margaret was about to make; but perhaps she thought,—though I know not why she should,—that the allusion was not quite maiden-like, and, therefore, she would not utter it. I opened the volume and began to read. The poem I fixed upon was that sweet ballad of Coleridge's the “Introduction to the tale of The Dark Lady;”—perhaps the most beautiful love-verses which the English language enshrines. If I did not read with taste, I am sure that I read with feeling; for the tears were in my own eyes, and they trilled down Margaret's cheeks. Almost every line of the song struck some accordant note in our bosoms. But when I came to that part where the minstrel declares his passion for Genevieve, in the words of the “old and moving story” he is singing—

I told her how he pined; and, ah!  
The deep, the low, the pleading tone  
With which I sung another's love,  
Interpreted my own.

She listened with a fitting blush;  
With down-cast eyes and modest grace;  
And she forgave me, that I gazed  
Too fondly on her face.

The book fell from my hand; I could not utter another line. It was all too true; it was too close a picture of ourselves. My tones and gestures were exactly those of the ideal wooer in the ballad. There was no acting upon my part. I did not seek to adapt my bearing to the words of the poetry before me. It was all spontaneous; I could not help it. I *did* gaze too fondly upon Margaret's lovely face. Yet, why too fondly? I am sure that she forgave me; but I forgot everything in the world when gazing upon that face. I could not read; I could not hear; I could not see any thing but that beauteous face. I took one of Margaret's hands between my own, and, looking upwards from my lowly posture, I fixed my eyes so intently upon the maiden's countenance,—with such a wrapt and admiring expression pervading my every feature, that a sculptor would have been glad of such a model for a statue of incarnate adoration.

There was a long silence—a long eloquent silence. We felt how entirely dear we were to one another; and we were happy. I was the first to utter a word. I awoke, as it were, from a dream of joy; I started up from my humble seat, and placing myself beside Margaret, I said, “Speak to me, dearest; it is better that we would be more tranquil.” Margaret echoed the word “tranquil;” she scarcely knew what tranquillity meant, when coupled with the name of love. She was a native of the sunny south, and her love was a passion; it was rapture; it was excitement; she could not be calm and love at the same time.

“Let us think of something else,” I said, “let us—” But Margaret interrupted me in a reproachful voice.

“Let us think of something else, say you? Oh, Claude! Claude!”

“Nay, Margaret, do not be angry. God knows how entire is my affection; but this intense excitement may be injurious. I tremble for your sake, Margaret; I tremble for the safety of the sensitive plant. Will you not acknowledge that I am right? It is better that we should be more tranquil. Perhaps you will sing to me, sweetest.”

“Yes, Claude, you are right. I am a weak, silly creature. I forget everything; I forget myself; I forget to do the honours of our house. Would you like coffee? I forgot to ask you; and my father is very particular that the servants shall not enter the room when they are not summoned; and I dare say they wonder: we had better have the coffee, I think: may I ask you to ring the bell?”

A footman obeyed the summons, and Margaret, bending over a large book of prints, syllabled the word "coffee." Presently the man re-appeared.

I took a cup from the salver; Margaret would not drink any coffee; I was glad to hear her refuse it; for she could not have taken aught more injurious in the present excited state of her nerves.

I soon dismissed the liveried cup-bearer, and seated myself again upon the sofa. "Margaret," I said, "you are a poetess; somebody told me this; perhaps you told me so yourself; however, I know it; is it not so? May I read some of your poetry?"

"I write verses sometimes," replied Margaret, "but I will not, I dare not, emulate to myself the sacred name of a poetess. Petrarch was a poet; Shakespeare was a poet; Shelley was a poet; but I, Claude—this is no affectation—I pour out my feelings upon paper, and I clothe them in rhymes and metres, but this is not all that is wanted, I know,—but I cannot tell you what real poetry is. You will think me very fanciful, perhaps, but I have thought at times that I am a poet, though I cannot write poetry. We have both of us been poets to-night. I have thoughts and feelings within me: I have all the ideal part of poetry; but when I seek to embody my ideas in words, I fail, I am no longer a poet, I become at once low, worldly, mechanical. I think that if I had been educated in Italy—in my own country, Claude—I should have been an improvisatrice. You smile; I am sure that you must think me a vain, foolish girl."

"Oh, Margaret!" I exclaimed, "how well I understand what you mean. If you had never written a line, I should still call you a poetess. I thought so before I heard you speak; I think so now, Margaret. When I saw you for the first time at the theatre, I was sure that you had poetry in your soul."

"For my part," continued Margaret, "there is something, I cannot help thinking, anomalous in printed poetry. You will say I am very singular, but I cannot understand how the poet can bear to unbosom himself before the world. I allude only to egotistical poetry; such as are the sonnets of Petrarch and Shakespeare, and almost all Lord Byron's writings. I once met Mr. Hazlitt at a party. I remember having heard him say that Shakespeare was 'the least of an egotist of any man that ever lived.' He was not an egotist in his plays; because he kept all his egotisms for his sonnets. But this is not right either. I am always in error, Claude, when I use that word, 'because.' I am no logician. I know nothing of causes. But I think that Shakespeare was an egotist."

She ceased, wishing me to say something; but I only cried, "Go on; I love to hear thy sweet voice, Margaret."

"I have very little to say, I am afraid, unless I repeat something that I have already spoken of before. I marvel how a poet can lay bare his heart to the gaze of an unfeeling public; I marvel how a creature of sensibility can make confidants of the whole world; I marvel how he can dare to communicate the inmost secrets of his soul, his joys, his sorrows, his hopes, his fears; and, above all, his *love*, Claude, to a sordid and insensate multitude, who laugh at his fine feelings, and make a mock of his agony, and cry out in the plenitude of their brutish exultation—'Ha! ha! ha!—I am better than this man; what a wretched creature is a poet?—genius, a fine thing truly; tis another name for unhappiness;' and then, Claude, they thank God that they are 'not as this man is.' I have heard it, yes; it is true, I have heard it, and I have wept to hear it. But I have not wondered at the people; I have only wondered at the poet."

"Sorrow is egotistical, Margaret. Poetry is the child of sorrow; your own poet has said that

Most wretched men  
Are cradled into poetry by wrong;  
They learn in suffering what they teach in song.

It is very true, Margaret, but it is strange that they should desire to teach. But will you not sing to me, Margaret? I should so like to hear you sing this evening."

Margaret did not answer; but rising from the sofa, she walked straightway towards her harp, and having seated herself beside it, she stretched out her beautiful arms, and striking a few irregular preludious notes, she awakened the chords of the instrument, with a rapid, yet delicate touch, until they had taken their measured tone; and then the full harmony burst upon my ear—voice and lyre mingling together.

The song was Margaret's own composition; it was in the language of her native country, a wild, irregular ode to Italy, which reminded one of those patriotic addresses which the Welch harpers were wont to pour forth, in days long buried in the sepulchre of the past. The following translation will convey to the reader but a faint idea of the energy, the pathos, and the delicacy of the original.

#### MARGARET'S SONG.

##### I.

"I turn my face towards the south, for that way lies the home of my fathers, the land wherein I was born, and wherein she, who bare me lies buried. Oh! that I could borrow the plumage of a bird, or sail from realm to realm upon the bosom of a silver-timmed cloud, floating across the azure heavens, and I would voyage towards thy bright shores, radiant Italy, land of the sun!"

II.

"I pant for my native fields. I am consumed with an unquenchable thirst. I am even as a bird in a cage, who longeth to fly away. Why do they keep me here? This ungenial clime turneth the blood of my veins into ice. But in Italy, in my beloved father-land, the sun glows warmly like the feelings of a youthful poet; the air is soft as the voice of love; the sky above—the clear hyaline is deep blue, like the eyes of a seraph—all things are beautiful there."

III.

"In Naples was I born; there did the tide of life first circulate in these veins; there did I first become sensible of the pains and pleasures of vitality; there was my first tear shed. Alas! how many have I shed since! There were these lips first moulded into a smile of infantine delight. Why may I not return thither? I am an Italian; I feel it within me; this cold western island has nothing in harmony with my soul."

IV.

"The city sleeps at the foot of the mountain; the blue, rippling sea laves the margin of its dædal streets; the aspiring mountain-peaks of the giant Vesuvius mingle themselves with the heavens; a mighty turmoil is stirring within, like that which swells the bosom of a proud man—who would rank himself with the gods. Further on lies the buried city,—wondrous record of past ages. I see all these things with the eye of my fancy, but I am forced to live afar off. Alas! why was I born a Neapolitan!"

V.

"I pine—I wither—I am dying, a captive in a great prison-house. I shiver with cold; I am girt about with ice. I wander here and there, but all is dark and desolate. My soul harmonizes with eternal nature. How can I be joyous in this place, where every thing around me is so drear? I speak in the language of my country; it is my only solace, I have none beside it. I am a wretched outcast. Why was I not cut off in my infancy? It is better to die in Italy, than to live any where else in the world."

We consider this altogether one of the most striking specimens of the beautiful and pathetic in *Jerningham*. We believe that many of those who read it will be inclined to exclaim with the author,

"What a beautiful thing it is to make love over a volume of poetry!"

We believe it must be; for the development of passionate love, is the poetry of the heart.

It will be seen, by our last quotation, that Mr. Kaye excels occasionally in portraying the passions and emotions familiar to young minds; but what is more extraordinary, is, that he frequently exhibits a subtlety of thought and an analytical power which would seem to be the fruits of a much more matured judgment, and greater experience than our author's. One extract will suffice to support our opinion on this point. *Delaval* is relating the history of his intimacy with *Lord Leicester's* father, and of his plan of revenge. He had saved his Lordship's life at school, but made the discovery that his *quondam* friend, on whom he still "doted," cared not for him. He proceeds thus:

"We became once more the most inseparable companions in Eton; but we were never friends again from that hour. Oh! no; our connexion now was but the ghost of our former friendship; we played with one another, we read with one another, we walked with one another; but our souls communed not. We were two bodies linked together by fate; but further than this there was nothing—nothing which spoke of the union that had been. It would have been impossible, situated as we were, to have moved both of us, upon the same arena, with an outward semblance of difference, palpable to the senses of all around us. It would have been too unnatural, too inexplicable a sight to manifest to such as understood it not. This it was that drew us together that we ought to associate—that the world would marvel if we did not—that we should wonder at ourselves if we did not; and we both of us tried to believe that still we were all-in-all to each other. We neither dared to utter our misgivings, but the sophistry would not act; we attempted to smother the truth, but the effort was very idle, we tried more to cheat ourselves than to delude one another; but it failed. Self-delusion is a spontaneous thing. We knew what was the reality; but we parted not.

"How inexplicable the excursions of the mind—how unfathomable the ordinations of fate—how wild the wanderings of the affections! But a few short weeks and the most fervent, the most engrossing love, had been chilled into the coldest indifference. I often amuse myself by endeavouring to develop the progress of this change; to distinguish each link in the chain of altered feelings; to discern the bridge of twilight over which I passed from light to darkness. But I leave off unsatisfied with my endeavours. I went to Eton a child of sensibility, enamoured of beauty both natural and intellectual. I have already told you that an ideal creation first excited my boyish love; I dwelt upon this circumstance, because, in some measure, it served to illustrate the state of my moral organization at that time. My soul was exceedingly thirsty; my heart was craving for an object unto which it might cleave; and, in the absence of a material reality, it clung to

a phantasy of the brain. Perhaps you will now understand the condition of my mind, when I was entered at Eton, and fully account for the extravagant passion which I conceived for my first friend. The connexion which I then formed, influenced the whole future tenour of my life. There is nothing strange or unaccountable in this; it would have been marvellous had the consequences been otherwise. The void in my heart was full—full even to the overflowing. I drank even to intoxication the precious wine for which my soul had thirsted. My moral fabric was now completed; and I was no longer the crude fragment of a human being, which I felt myself, ere I loved and was beloved. Had the first object of my young attachment been a creature of the opposite sex, my love would have strengthened as I approached maturity; the development of my intellect, and the increase of my knowledge, would have presented me with certain new, and undreamt of combinations, relating to the constitution of love, which, whilst they wrought a change upon the nature of my affections, would have served to strengthen them, as I advanced in years, until the possession of their object would have become the all-devouring principle of my existence. But as the circumstances of my fate were woven, the converse of this was the case. Years diminished the warmth of my attachment. As I ascended the hill of life, age and experience weakened my ardour. Knowledge pointed out to me that my enthusiasm was something strange, uncommon, and unnatural. I looked around and saw none like me. I heard the name of "friend" bandied about from mouth to mouth; the word was on every tongue, but I looked in vain for the substance; for I sought for something like unto my own, and then I looked upon myself as an isolated creature whose feelings were not as those of my fellows; for their friendships were temperate and sober, whilst mine was full of passionate intoxication, and then I looked upon myself as a silly creature, because I was unlike to the rest of the world. The freshness of my sensations wore away, the bloom of my first affection was destroyed, the world and the world's littleness had touched it, and it was as fruit which had passed through many hands; contact had soiled its beauty. And then the ignorance, which is bliss, forsook me; the mist of delusion passed away; I had tasted of the tree of knowledge; and I saw corruption with too clear a sight. What once I regarded as perfection discovered a thousand blemishes; stainless purity became spotted as the pard; the cheek of health ulcerous and bloated; the honeyed voice harsh and discordant. Then I despised myself, because I had been imposed upon, because I had walked in the shadow of credulity, and I shut my eyes; and I tried to cling to the old belief; but it deluded my grasp, and mocked me. Alas! a change had passed over my feelings; and certes, it was not for the better.

"But I must drop metaphor, and leaving my high place in the clouds, employ once more the language of humanity. This 'damnable iteration' creeps upon me, and I utter a number of big words, all signifying nothing. To tell the truth, Harry Leicester was not destitute of faults; but he had many and great excellences. He was 'gentle but not fearful'; he was firm, resolute, and little selfish. But had his virtues been most transcendent they must have fallen far short of the value which I fixed upon them at first sight. I thought that in Leicester I contemplated the very essence of all perfection. It is the nature of love to form a hasty conclusion, and to make subsequent discovery of its error. Thus it was, unfortunately, with me. 'Truth,' says Penthea, in the play, 'is the daughter of old time;' and long acquaintance taught me to scrutinize too nearly the qualities of my friend. I viewed them with a microscopic minuteness. I explored the very penetralia of his character. From effects, I betook myself to causes; I endeavoured to sift his motives, and to unravel the perplexities of his nature. Nor was this all; as my sight became keener, the defects of my friend became more prominent. Years, which had sharpened my faculties more strongly, developed the weak points of Leicester's character; and failings, little unbecoming to the child, became glaring and monstrous deformities when they exhibited themselves in their more advanced stages. In addition to this, age brought to light many qualities which had hitherto lain dormant; his character coming in collision with the world, struck out the sparks of undeveloped vices: his intercourse with men corrupted him; he bowed to 'busy opinion,'—the meddling fool, who is the sworn foe of truth; and quitting the natural for the conventional, became an artificial worldling. I loved him not the better for this.

There are several other passages in which the author displays considerable knowledge of the mind and its workings; but not one more subtle and analytical than that we have quoted.

With what a burst of genuine eloquence the author describes,

#### READING IN A SUMMER-HOUSE.

It was a beautiful summer's-day, oh! I remember it well; there was sunshine over the glorious landscape, and there was sun-shine in the recesses of my soul, and I thought that I had never been so happy, as I lay at full length in that summer-house reading, and yet hardly reading, for thought was more rapid than vision, and my brain outstripped my lazy-pacing eyes; then my soul was calm and undisturbed as the waters of a pellucid lake, and my gigantic passions slept, and I was harmless and tranquil as an infant in the grandeur of its gentle slumbers.

There are many such brief and beautiful bits as that we have last quoted, scattered through *Jenningsham*; but we must hasten on to a few more extracts, and then take leave of this work.

We have spoken of *Delaval's* revenge as utterly revolting; but the most revolting character in the work, is *Jerningham's* brother, *Frederick*. He is an exaggeration of *Blifil*—a deeper hypocrite and villain than the former. We had thought of quoting some passages illustrative of this character, but we find the task too disgusting. By a series of atrocious artifices and calumnies, he succeeds in marrying the lovely, enthusiastic *Margaret*, the affianced bride of *Jerningham*; and the latter, then, out of pique, as we have stated, marries the pretty, fond, confiding *Ellen Hervey*, and breaks her heart by his brutality. Soon after their marriage he meets *Margaret* at a party, and the scene which ensues, though drawn with considerable power, is somewhat unnatural. The conduct of *Jerningham*, on this occasion, has been denounced by some critics as quite unmanly and revolting; it seems to us, rather, to have been quite absurd; a man of such intense feelings, could never have so conducted himself. *Margaret* finds an opportunity, the next day, of making known her innocence and her husband's villainy, and, we confess, we felt alarmed for the result of the summer-house interview between *Jerningham* and this impassioned and beautiful creature, when she has not merely to exculpate herself, but to avow that he is still the sole object of her heart's adoration. The author brings them off, however, by a touch of his magic wand: they are on the brink of a precipice, but they fall not. We should like to have quoted some portion of this scene, and of several others in the third volume, but we have not space for more than one long extract. The most exciting of the whole is that of *Margaret's* madness, which is portrayed with great power, but considerably overwrought. She is afterwards restored to society; but, instead of getting rid of her vile husband by the gallows, and marrying the widowed *Jerningham*, as poetical justice required, her spouse suddenly repents and they are happy together! Happy! The chapter which develops the fate of *Everard Sinclair*, who, after losing his lovely wife, characteristically, but somewhat suddenly, sacrifices his life to his humanity, at a fire, is the best in the third volume; and the conclusion, the description of the fire, has an air of truthfulness in it which is very impressive.

About six weeks after the date of my interview with *Frederick Jerningham*, *Sinclair*, and I were sitting together in the drawing-room of my house, at *Heathfield*, conversing upon a subject which, of all others, was the most interesting to my friend, namely, the best means of promoting the welfare of our fellow-men.

It was summer time, and it was almost mid-night. *Ellen* had retired to her chamber; whilst *Everard* and I sat together, by an open window, which looked towards the garden, enjoying the silence of the night, and the coolness of the nocturnal air. There was no moon, but a myriad of stars bespangled the great canopy of the heavens.

We were speaking of the selfishness of the world. "I have often thought," said *Everard*, "that what we are wont to call selfishness, is nothing more than a sort of suicidal propensity, which ignorance very often develops. Selfishness defeats its own object. For my part, I wonder that they whose sole desire it is to render themselves happy, do not for once try what may be the result of making others as happy as themselves. When *Xerxes* offered a reward for a new form of pleasure, it is strange that there was not a wise man in the kingdom to whisper into his ear, *Εὐεργεσία*! Benevolence never palls. It is the only flower upon earth which never withers or decays. Let the selfish man once make an experiment of its virtues, and he will forsake his sensuality for ever."

"We must change his heart first," I replied. "There are some men who would derive no pleasure from doing a good act."

"I think not so. He who has virtue enough voluntarily to do good, has virtue enough also to experience the delights of having done good. He will stoop, as it were, to pick up a stone, and find that he has a jewel in his hand. It will be with him, as it was with *Pyrrius*, the boatman, of whom *Plutarch* tells us, that having rescued, by his humane exertions, an old man, who had been captured by pirates, he received, as the wages of humanity, several earthenware vessels, which, apparently, contained only a quantity of pitch, but which, upon examining their contents, proved, in reality, to have been laden with gold. Such are always the wages of benevolence; we appear only to be repaid with pitch, but in reality, we are repaid with gold."

"In heaven."

"Ay, there also: but I speak now of earthly wages. What are the wages of benevolence? happiness,—happiness unbounded. What a beautiful thing it is to contemplate one's own good works! When we have built a house, or planted a vineyard, or sown a field with corn, we contemplate the work delightedly. A sort of active pride stirs within us; we are conscious of having



done something. But to see a smile where erst was a tear, to see a look of joy on the human face, which so lately wore an aspect of despondency ; to see peace and content where once was strife and affliction, and to feel that all this is the result of our own exertions : this indeed is joy,—joy greater than that which animates the founder of a city. We feel that we have not only done something, but that we have done more,—we have *done good*."

" And that we are laying up treasure in heaven."

" True ; but that is another consideration. I know that you will not misunderstand me, when I say that we may both do good, and feel pleasure in having done good, without once thinking of God. There is such a thing as natural morality ; but I will not enlarge upon this. Old Owen Feltham draws a happy distinction, when he says,—' Let my mind be charitable, that God may accept me : let my actions express it, that man may be benefited.'"

" I could cavil at this, if I were inclined," said I ; but I did not, for I loved better to hear Everard, than to hear myself, discoursing upon these subjects.

" By loving our neighbour," continued Everard, " insensibly we serve God ; but by loving God, we do not serve our neighbour, unless our obedience keeps pace with our love, which is not always the case. Religion is often selfish ; benevolence, never. We may shut ourselves up in a cloister, abjure the vanities of the world, mortify the flesh, wear sack-cloth, fast, pray, and apply the scourge, and all this to propitiate the Deity ; but do we thereby render ourselves so acceptable, as by manifesting our gratitude to the Creator, by doing good to the creature, whom God, as we are expressly told, made after his own image ? As in the ages of antiquity, they crowned with garlands the statues, and poured libations upon the altars of their deities, so it becomes us to look upon our fellow-men as the statues and the altars of our Deity, and good-works ought to be unto us what the garlands and libations were to the ancients. Did you ever read that beautiful little apophthegm of Abon Ben Adhem and the angel ?"

I replied in the negative.

" It is to be found in D'Herbelot's *Bibliothèque Orientale*. An angel appeared unto Ben Adhem, and the angel was writing in a book. ' What writest thou ?' asked Ben Adhem, for he was a good man, and he was not afraid. ' The names,' replied the angel, ' of those who love God.' ' And is mine there ?' asked Abon ; but the angel only answered, ' No.'—' Write me then, at least,' cried the good man, ' for one who has loved his neighbour.' The angel wrote something in the book and vanished. The next day it re-appeared, and, pointing with a finger to the names of those who were registered in the book, behold the name of Abon Ben Adhem stood first in the list of those men who loved their God."

" It is, indeed, beautiful," I said, " and worthy of a Christian writer. There is no religion which insists so much upon the efficacy of morality and benevolence as does the Christian religion. There are no doctrines so charitable as those of Jesus."

" And yet Christianity has been objected to, on the ground that it is not that which you declare it to be. Shaftesbury has hurled his lance at it, because, as he roundly asserts, it is positively inimical to the formation of all private attachments."

" He should have read South's sermon on the love of Christ to his disciples."

" It would have profited him much," replied Everard. " I do not uphold Shaftesbury. He is not a favourite with me ; and, in this instance, there is more malevolence than wisdom in what he saith. The Messiah, both by precept and example, cherished the growth of private affection, that is, in all cases where it is not opposed to universal benevolence. It does not behove a man to devote himself exclusively to the interests of one beloved individual. Jesus loved all men ; he loved his disciples better than the community, and one better than all the rest."

" And the fifth commandment," I replied, " is the only one in the decalogue, which has come down to us accompanied by a promise."

" And this is a moral commandment. What contentions have been, and will be, between the advocates of faith and good works. I, in my time, have had my share in these discussions. One thing I have almost universally observed, that the latter have the most toleration. Did you ever read any of the Fathers ? I was turning over a volume of St. Augustine, the other day, when I alighted upon these words, the truth of which struck me very forcibly : '*Habere omnia sacramenta, et malus esse potest ; habere autem caritatem et malus esse non potest.*'"

" There is a passage in my favourite South," I replied, " very much of a similar tendency. ' No man's religion,' saith this eloquent preacher, ' ever survives his morality.'"

" But will the converse of this hold good ? I think not ; but there are many zealots who are ready to declare that it will."

After this the conversation began to wear a more personal aspect. I drew Everard into speaking of himself. He was so little of an egotist, that this was at all times a difficult task. Upon the present occasion, however, I succeeded.

"I am scarcely four-and-twenty yet," said Everard, "and yet I almost feel as though I had lived half a century. I am like Shelley's Prince Athanase—

'A youth, who as with toil and travel  
Had grown quite weak and grey before his time.'

I have scarcely any of the feelings, and none of the passions of youth. I do not hunger after excitement, nor thirst after pleasure. I have no ambition. I never look forward or strive to rend the veil of futurity; at least, not for my own sake, though I sometimes think of my child, and endeavour to shadow forth in my imagination the destiny of the unconscious infant. I live almost wholly upon the past. There are few at my years to whom memory supplies more food than hope; but so it is with me; I am an old man,—a stricken, chastened, old man. But I am contented; I desire no change; I do not seek to be great, I only strive to be good."

"My dear Everard," I said, and I felt quite sad as I spoke, "you have suffered much, so have I. Your life has, as yet, been a scene of almost incessant struggles; your morning has been clouded and stormy, but your evening may be cheerful and serene."

"It may be serene," interrupted Everard; "but, believe me, it cannot be cheerful. The sun of my joy has set, alas! never to rise again."

"And mine!"—There was a painful pause; our hearts were too full to speak.

At length I found words. "Everard," I said, "in allusion to yourself, you, just now, quoted a passage from Shelley's Prince Athanase. Do you know, I have often thought that there is much in that character which very strongly resembles your own. Do you remember these lines?

'He had a gentle yet aspiring mind,  
Just, innocent, with varied learning fed,  
And such a glorious consolation find  
In others' joys, when all their own is dead.'

"Without assuming," replied Everard, "to possess those good qualities which the two first lines of your quotation touch upon, I can bear testimony to the truth of what the latter verses contain. Who can ever be desolate when he has the power to do good?"

"No one; and you least of all; for you are always doing good."

I have dabbled a little upon the margin of the waters;" replied Everard; but I have never yet lost sight of land,—the land of self, which humanity, even in its most generous exploits, will not suffer to fade away into the distance. I have not yet arrived at what Hartley calls 'perfect self-annihilation.'"

"I think, if I mistake not," said I, "that Hartley distributes self-interest into three distinct classes, gross, refined, and rational. When a man ceases entirely to be selfish, his nature is made perfect. At the bottom of the cup of human life there must be some dregs. Earth clings to us; we are flesh and blood; the purity of a disembodied spirit cannot be expected from a thing of clay."

"As for myself," replied Everard, "I feel that I am essentially selfish. What you would call doing good to others, is, in reality, doing good to myself. When all the happiness one enjoys, is derived from the happiness of others, it is the immediate interest of that person to render those around him happy. He is like the captain of a ship in a storm, who exerts himself to save his crew and his passengers, knowing that, whilst ensuring their safety, he is also ensuring his own."

"Your humility, my dear Everard," I replied, "makes you deal somewhat largely in paradox. You would make it appear that the less selfish are the feelings, the more selfish are the actions of a man; that because your heart is pure, and your mind virtuous, everything that you do must, of necessity, be vicious and impure. It is generally supposed, Everard, that a good tree beareth good fruit; and a corrupt tree corrupt fruit. Tried by such a touch-stone as yours, the Deity itself must be imperfect."

"Well," said Everard, laughing slightly as he spoke, "I believe that you are right; and that I am wrong. At least, I must confess to this, until I can demonstrate that to *lack* selfishness is to be selfish, which I am afraid I have very little chance of doing with our present vocabulary of words. Besides, it was but just now that I said 'religion is often, but benevolence never, selfish;' so at all events I have contradicted myself. By the bye, what do you think of Hartley's argument in favour of the final happiness of all mankind which he bases upon the benevolence of the virtuous part of the creation?"

"I am not capable of giving an opinion upon the subject," said I; "for, although I have glanced at them, I am but slightly acquainted with the writings of David Hartley. If I mistake not, he is high in your favour,"

"He is. Until I read Hartley, I knew, as it were, nothing. My mind was craving and unsatisfied. All beyond the grave was confusion; there was a mystery which I could not fathom,—an obscurity which my vision could not pierce. All my knowledge of a future state was to the last degree vague and indefinite. I cannot describe the misery which this painful uncertainty plunged me into. Firmly believing, as I did, in the immortality of the soul, I could not reconcile this belief with the generally received opinion of the theologian concerning the immutability of rewards and punishments beyond the grave. I said to myself, 'God is infinitely good, God is infinite, merciful. I discard whatever is opposed to this fundamental point of faith. But to punish finite sin with infinite misery is little compatible with the benevolence of an all-merciful Deity.' You cannot conceive the agony which there was in these reflections, Jerningham."

"Did you search the Bible?"

"I did. But, like Noah's dove, after a long and weary search, I returned again to the ark of my uncertainty, not having discovered a resting-place, or even plucked the olive-branch of hope. I could collect nothing positive from the scriptures upon this subject. I had no reason to play the casuist. I was living, or trying to live, according to Gospel rules. I was, moreover, in extreme affliction at the time. Earth had nothing to seduce me from Heaven. It was my interest rather than otherwise to believe in a future state. I had no motives for perverting a single scriptural text. I read, but I was still perplexed. At length I alighted upon Hartley."

"And what saith that amiable philosopher?"

"It is probable that all mankind will ultimately be made happy.' When I read this assertion and the conclusive arguments supporting it, I rejoiced; it was as though a crushing weight had suddenly been removed from my heart. I was at that time living in London, which is the lazar-house of all impiety; and it was my custom, every day, to go abroad into the streets; firstly, to promote health by exercise, and, secondly, to make observations upon the characters and the occupations of my species. How painful were those observations! I met wickedness everywhere. I turned: the drunkard, the blasphemous, the fraudulent man, and the profligate. It wrung my heart with an indescribable agony to think that such thousands of my fellow-creatures were only sojourning a few years upon earth to be eternally damned after death. At that period of my life this constituted my chiefest misery. You can guess, then, what my joy was when the light of a more cheering faith began to illumine the darkness of my soul. I thought Hartley's arguments conclusive.\* I have never altered my opinion."

"I will acquaint myself with them."

"They will repay you for the perusal," continued Everard; "to me they were, and ever will be, an inexhaustible source of pleasant reflections. The idea of the soul's annihilation after death had been no less pregnant with misery than that of the ultimate condemnation of a large majority of my fellow-men. My mind was even as a vessel jammed in between two rocks. On either side I saw death. Oh, Jerningham! what was my delight when I beheld my bark sailing pleasantly along a free channel between the two."

"There are even now moments in my life," resumed Everard, after a brief pause, "when involuntary thoughts of the possibility of the soul's annihilation after death intrude themselves, fraught as they are with the most painful sensations. Such thoughts, however, are never otherwise than momentary. They are merely transitory shadows flitting over the broad sun-light of my entire conviction of an hereafter. When thinking of my poor Lucy, who has already been called to enjoy the eternity in which she so fully believed, a thought will sometimes rise up, a desolating, fearful thought,—'Oh! if there should be no world beyond the grave, then, indeed, my beloved one is dead.' Then my heart dies within me for a moment; yes, Jerningham, only for a moment. Again the sun of truth bursts out,—again is my soul made bright. I think that, after all, my Lucy has only gone from me for a while; I look forward to a blessed re-union in brighter worlds to come; and even as men endeavour to heap up honour and riches, and other worldly advantages to render themselves more worthy of their living loves, so I, by striving with all my efforts to lay up treasure in Heaven, seek to render myself worthy to enjoy the affections of my Lucy beyond the grave. I feel that the hour is not far off when we shall be united again."

"Say not so, Sinclair," I replied, "you are young and have many years yet to dwell amongst your fellow men, doing good to others and heaping up treasure for yourself. There is honour, too, in store for you even in this world. You have genius, you have—"

"Hold, hold; I have told you that I have no ambition. I once began a work which I fondly hoped might outlive me. Day and night I pored over this work. You know the nature of this *magnum opus*. There was nothing in it which was likely to win for me much honour amongst men. It had for its aim the overthrow of all existing abuses. I concentrated all the energies of my intellect upon this work for upwards of two years. I had advanced some way; I said to myself, as I turned over the pages I had written, 'Hoar custom, beholding this, will tremble upon its towering throne.' I looked along the vista of years, and I thought that I saw my work and the opinions inculcated therein, silently winning their way into the hearts and understandings of men. I did not expect to see, myself, the seeds which I was sowing spring up. I knew that the harvest was afar off; but I did not shrink from sowing because I could not live to look upon that harvest. Upon the night that my wife died, I made a great fire, and my book was converted into ashes."

\* See Hartley's *Observations on Men*, vol. ii. p. 419, et seq. edit. 1791.

"But, Everard, you have many years before you. The edifice which you have thrown down is easily to be built up again."

"Not so easily, Jerningham, believe me. My energy has gone from me. I am broken down. I have not the same powers of intellect that I possessed ere my wife died. Besides, I have not the heart to set about this work. Do you remember those touching sentences in Johnson's preface to his dictionary? I think that I could quote them. 'I may surely be contented,' saith he, speaking of the probable failure of his great work, 'without the praise of perfection, which, if I could obtain in this gloom of solitude, what would it avail me? I have protracted my work till most of those whom I wished to please have sunk into the grave,'"—and Everard buried his face in his hands, apparently overwhelmed by the memory of the great misfortune that had befallen him.

"But still, Everard," I said, "you have some motives for exertion; the same object is still before you,—the good of your fellow men."

"True," replied Everard; "and if I could calculate with any certainty upon being permitted to remain upon earth, even for a few years, I might perhaps set about this work; but—" and there was a painful pause—"but there is that within which tells me every hour of the day, that my pilgrimage is about soon to be ended, and with truth can I say, my dear Jerningham, in the words of the beautiful Scotch ballad,

'I'm wearing awa', John,  
I'm wearing awa' to the land of the leal.'

My time is short, and that little time must not be thrown away upon a work which I shall not live to complete. I must not abandon the certain for the problematical, nor——"

"Stay, Everard," I cried out, suddenly interrupting my friend; "look towards that window, what meaneth that strange light?"

"Perhaps," said Everard, turning himself round and beholding the light to which I alluded, "that the gypsies are holding a festival on the common, and this is a fire they have made."

"If all Egypt were to be assembled upon the common," I replied, "they would not need such a fire as that."

We rose up and went towards the window, which looked towards the common, from which the village derived its significant name of Heathfield.

The fire was at the opposite extremity of the common, at about the distance of half a mile from our house. It was a bright, red, towering, spreading fire, which emitted, every now and then, dense columns of black smoke. It was, in fact, a house, or a row of houses, in flames.

"Good heavens!" cried Everard, throwing upon the window as he spoke; "there are a number of cottages on fire. Let us hasten towards the spot, that we may render all the assistance in our power to the luckless inhabitants of these flaming buildings." And ere he had finished the sentence, Everard Sinclair stood upon the grass-plot which skirted that angle of my house.

"Come, Jerningham," cried my friend. He needed not to repeat the summons, for, in a moment, I had jumped out of the window, and was standing beside him on the lawn.

"It is a dreadful fire," said Everard,—"mark Jerningham, how it spreads. Already I hear a sound as of many voices commingled. Ought we not to have aroused the servants?"

"We have no time to waste," I replied, and we increased the rapidity of our speed. We ran straight onwards and crossed the common. We said nothing as we went, for, in truth, we were too breathless to speak.

We reached the spot. It was indeed a sight, at once fearful and sublime, which presented itself to our inquiring gaze. There was a row of some five or six cottages, of which the two central ones were already enveloped with fire. The flames were spreading in both directions, equally to the right and to the left; for the wind, which was somewhat high, from a quarter facing the houses, swept across the open common with a free and unimpeded current, whilst several stacks and buildings rearward of the burning cottages, intercepted its onward passage, and caused a sort of back current which increased the fire to an astounding degree. The flames had broken out in one of the lower rooms, a circumstance which very much enhanced the alarming aspect of affairs; for it is the nature of flames to rise upwards. Alas! for those who were dwelling above. In addition to this, it was night.

The whole parish had been aroused. Almost every house for miles round was beginning to empty out its inhabitants. Some went forth to assist their neighbours, others to rob them, others to look on: various are the motives, which induce people to be present at a large fire. All the ladders, and pails, and buckets in the village, had been put into requisition. There were the most adventurous at the top, the least adventurous at the bottom, of the ladders. They whose activity was greater than their valour, employed themselves in pumping and carrying water. They, who

were stout-hearted and despised danger, stationed themselves aloft and worked hard to unroof the cottages. Unfortunately the village of Heathfield did not possess such a thing as a fire-engine; one, however, had been sent for from B——.

It was a dreadfully busy sight. These cottages had been let out in small compartments to the poor of the village, and many people dwelt therein. There were to be seen the inhabitants of those rooms, which had not yet caught fire, thrusting their furniture out of window and out of doors. It was, in fact, nothing less than a row of houses disgorging itself. Beds, chairs, tables, chateaus of every description were to be seen issuing, in admired confusion, forth from every aperture in the walls. There were cries, and lamentations, and wringings of hands; paupers wailing over the loss of their property, quite beside themselves with fear. There was an old woman to be seen dragging forth a huge chest, which the withered arms of the emaciated creature scarcely had the power of moving. I assisted her; the box was very light; it fell open. There was nothing in it but one solitary book, which, from its shape and thickness, I knew to be a Bible. "They were my son's," cried the aged woman, "he died at sea; this is all I have of him;" and then she lifted up her voice in prayer and thanksgiving.

There were several ladders placed against the walls of the burning houses, with a man or two upon every step, so that they quite bent beneath the weight. Men at the feet of the ladders were serving water, which they handed one to another, in a long train formed for the purpose. It was just like a troop of ants climbing up the wall of a house. There were others trying, with all their might, to cut off the communication on either side, so as to prevent the fire from spreading any further. Some with mattocks, and some with crowbars, exerting all their powers of destruction, to forestall the flames in the praiseworthy task of demolition, more from a certain innate love of mischief, than from any philanthropical motives. It was, in sooth, a comely bonfire, and it scorched the eyes in one's head painfully.

There was a strange babel of many voices: every one had some order to give,—every one had something to say. I passed by a little group of talkers, and I heard one man say to another,—he was an old grey-haired man, and he leaned upon a thick staff, he was one of the patriarchs of Heathfield, and I heard him say,—“Ah! you should have seen the great fire that there was in eighty-four, that burnt down fifteen houses at B——. Sure this is nothing to it,—a mere burning of weeds.”

“Ha, ha!” cried a woman, who had been for many years past on the brink of insanity, and whom the fearful events of this evening had made stark mad,—“ha, ha!—this is a goodly sight,—a furnace, a right regal one, fit for them who will not bend down to Baal. A brave sight is a great fire; it warns one of what we shall have in the bottomless pit after death! Burn,—burn!—fire is the goodliest of the elements.” This woman had been a gypsy, a prostitute, and now she was a maniac.

“By George!” exclaimed a little boy, “look at mad Bess; how she dances with her hair all loose; one would think that she was dancing round a bonfire on the fifth of November or coronation day.”

“Poor creature!” said another boy, whose voice was milder than that of his companion,—“poor creature! she is quite gone in the intellects. I wonder what has become of mother Hoton—she can’t move a peg, you know; she has been bedrid these six years. Poor mother Hoton!” and the boy ran off to make inquiries in the crowd.

Presently I heard a voice, the tones of which I shall remember to my dying day—a woman’s voice full of the most unutterable anguish, and it cried out, “Oh! my children, my children! what will become of them? There is no hope!” and the speaker wrung her hands with a gesture of the most heart-rending agony.

She was a widow. She had been watching all night by the bed-side of a sick friend, who dwelt at some distance from Heathfield; and had returned only to see the walls of her cottage girt around with fire, and to know that her fatherless children were doomed to perish in the flames.

“Oh, save them! save them!” she shrieked, “I am a lone woman; I have none to help me. They are in that room;” and she stretched out her arm; but no man durst enter. “Oh, save them! save them!” she continued to shriek, and Everard Sinclair heard her. He knew the woman, for she was poor, and a widow.

“Where are they?” he asked.

She pointed to a certain window; but she could not utter another word. It was a piteous thing to see her; the red light fell upon her countenance, and it was expressive of the most utter hopelessness.

I looked round. Everard was gone! A dreadful thought flashed across my brain. Where was he? I went to seek him in the crowd.

Presently, I beheld a ladder reaching up to the very window which the poor woman had just indicated. The red flames burst in huge sheets from that window. The room in which the poor children slept, was in fact a large furnace. I looked up, and I caught a glimpse of a young man at the summit of the ladder. He was bareheaded; his coat was off, and the sleeves of his shirt drawn up. The light from the window streamed glaringly upon the yellow hair of the adventurer, and made it glitter like burnished gold.

It was Everard. My heart stood still. His foot was upon the ledge of the window. I cried out with a loud voice, but I was unheard, for the next moment he had entered the flaming room. I prepared to follow him. I ascended, and ascending I beheld a shadow pass across the inner wall of the apartment. Again, I lifted up my voice; but again I was unheard; I continued to ascend the ladder, and had already reached mid-way, when I heard a terrific crash. The floor of the room had fallen in, and with it—oh God! that I should have the power to write of these things!—Everard Sinclair, the young, the brave, the sacrificed, fell also. He died, as he had lived, for his neighbour.

I know not what passed after this: They found next morning three blackened and mutilated corpses. There was the body of a young man amongst the ashes, with a little child clasped in either arm.

We now take our leave of *Jerningham*. With all its faults, we regarded it, when we first read it, as a work of great promise, and the author's subsequent work, of which we have yet to speak, has fully confirmed that judgment. The chief faults in *Jerningham* are the result of an immature judgment, and a want of experience, which is no where more exemplified than in the manner in which the conclusion is hurried and jumbled, and in the awkwardness with which the author disposes of some of his principal characters. The fact is, he was oppressed with the extent of his matter. He had written enough for five volumes; he was obliged to bring this mass within the compass of three; and, in order to fit his work for this Procrustes' bed of the publishers, he has been obliged to dismiss his characters in a very summary manner, in the exercise of that despotic power which the imagination gives the writer of fiction over the Beings it calls up for his purpose; but there are beauties enough in *Jerningham*,—not to redeem its faults, perhaps, but to prove its author to be a man of genius and cultivated mind.

#### DOVETON, OR THE MAN OF MANY IMPULSES.

This is altogether, both in design and execution, an extraordinary production. *Jerningham* was, in many respects, a philosophical novel, but *Doveton* is avowedly a physiological romance, the real scope of which lies not on the surface. The work is, in fact, an allegory in which certain qualities of the mind are embodied in the characters. In the *Court Magazine*, a critic, the Honorable Mrs. Norton, we believe, who edits that work, observes:

"*Doveton* has its very foundation in the poetry of the author's nature; and it might be apostrophized, as Byron apostrophized the scene of Rousseau's passionate Dream of Romance,

Whose very trees take root in love.

It is the writer's spirit taking refuge in a group of fictitious figures, and assuming, in the yearning of its restlessness, new shapes at every turn."

This is true to a certain extent, but rather too vague. It is true that the design of *Doveton* has its foundation in the poetry, and, perhaps, we may add, the susceptibility of the author's nature. No mind not highly imaginative and highly cultivated, could have conceived the idea of this work, or at least, could have given a local habitation and a name to that idea, in human characters, and incidents of actual, though highly intellectual life, as our author has done. The idea embodied in *Doveton*, is not indeed entirely new. Some critics have referred the novel to the model of Godwin's *Caleb Williams*, but we believe that the actual model is rather German than English, and that Goethe's *Welhelm Meister* is more likely to have suggested the idea of *Doveton* than any English novel.

Although *Doveton* is, however, as we have explained, an allegory, it does not deal with mere abstractions personified; if it had, we confess that we should never have been in a condition to review it,—for we could never have read it. We dislike such allegory, because we cannot sympathize with abstractions. We never, not even in our boyish days, read that popular work,

*Bunyan's Pilgrim's Progress.* We have heard it said that very young people enjoy that work, because they do not suspect the allegory ; they read the narrative as one of real life ; but we never could do so, because the very names let us at once into the secret of the allegory. Faith, hope, and charity, are beautiful virtues ; we can admire them in the abstract, and derive high gratification from practising and seeing them practised ; but we cannot endure their personification. We mention this under the impression, that our taste, in this respect, is by no means uncommon, and when, therefore, we state that *Doveton*, though allegorical in its design, is a work which is calculated by its characters, incidents and descriptions, to interest deeply even those who have not penetration or patience enough to discover its hidden meaning, we shall not be suspected of being misled by any partiality for allegory in general.

*Doveton* is, as we have said, a psychical romance. All the characters in it represent qualities of the mind. In *Gerard Doveton* we trace the imaginative or poetical faculty ; in *John Smith*, judgment, or the reasoning faculty ; in *Sir Reginald Euston*, generosity ; in *Michael, Ella*, and *Lawrence Moore*, the wisdom, beauty and freedom of nature, uncontaminated by art. In other characters, religion, innocent mirth, and domestic charity. With this key, the work should be read in order that the reader may be fully qualified to judge of its real merits. He must not forget to bear in mind also, the title, "*DOVETON, OR THE Man of many Impulses.*" *Gerard Doveton* has been rightly described as a creature of impulse rather than reflection, for the action of the imagination is not governed by reflection.

Of the manner in which the author has carried his design into effect, we entertain a very high opinion. Some of the characters are admirably drawn, and *Ella Moore*, especially, is a beautiful creation of a poetic mind. We are not sure, however, that we should not have preferred that sweet personification of innocence and domestic charity, *Cousin Emily*. It has been justly remarked that the interest of *Doveton* is less stirring and exciting than that of *Jerningham*. The author intended it to be so ; and, although, in consequence, the former will be preferred by the mere novel reader, in whom the prevailing love of excitement is predominant, we have no doubt that to minds of purer taste, the quiet beauty of the latter, will not appeal in vain ; while no man of the least discernment can question, we think, that *Doveton* is a work displaying infinitely greater depth of thought and power of development than *Jerningham*.

The great fault of the work is, we think, the design. The attempt to personify abstract qualities in the characters of a romance or novel, necessarily involves the danger of elevating them all above the standard of humanity. The personifications of lofty qualities cannot be expected to think and talk and act like any mortals of whom any reader can recollect the resemblance, and hence the sympathy and interest the persons of a novel or romance ought to excite, are, to a certain extent, diminished. Of the extent to which Mr. Kaye has avoided this danger, our extracts will probably enable our readers to judge. In the mean time we must confess, that some of the characters and dialogues appear to us too exalted, although there are many scenes in the work equally natural and beautiful.

A singular feature of *Doveton* is a poetical dedication, in which we think the author has been particularly happy.

The thoughts of this poem are natural and beautiful, and they are embodied in poetry worthy of them. A young poet sighs for lofty genius, merely that he may dedicate its fruits to his beloved : he desponds of attaining it ; sees nothing in the future but failure and despair ; but consoles himself with the idea that there are things worthier of attainment than fame—that weighed against love all things are light—fame lightest. These are sentiments natural to the

youthful heart, and, we think, they are very naturally, forcibly and sweetly delineated in the following poem :

TO MARY • • • •

Oh ! for a giant's strength to build a tower—  
A cloud-surmounting tower of piled thought,  
Laughing to scorn the vainly-boasted power  
Of time, to shake the fabric I had wrought,  
That I might write thy name upon its base,  
With a proud look of triumph on my face.  
But this poor, feeble, tottering thing of naught,  
This crumbling heap of unabiding dust,  
Is all unworthy of thee ; and mistrust  
Creeps into my desponding heart as, now,  
With pale face, weary eyes, and throbbing brow,  
I look upon the little I have done,  
Until I almost think that thou, *the one*,  
Whose praise were sweeter to me than all fame,  
Will pity me, and turn aside with shame,  
For thy poor friend's sad weakness. What to me  
Were a world's verdict, if condemned by thee ?

II.

Oh ! would that I could sing as Petrarch sung,  
Pouring his soul out in a flood of rhyme,  
Mighty as his great passion, which nor time,  
Nor myriad-handed circumstance has flung  
Into the limbo of forgotten things.  
Oh ! for such power, that thy dear name might be  
Embalmed for ever in sweet poetry !  
But I—what can I do ?—my feeble wings  
Flutter, and droop after their flutterings,  
Till my soul faints within me, and, where'er  
I look into the future, I see there  
Nothing but utter failure and despair.

III.

But, what if I should fail ?—Are there not things  
More worthy of my great endeavourings  
Than this poor tinsel-glittering bauble—fame ?  
Friendship, and love, and holiness, and rest—  
Are not these things more blessing and more blest ?  
And knowledge courted, not for what it brings,  
But for its own dear sake ? I know 'tis wise  
To walk along the earth with downcast eyes,  
Stifling our sky-ward yearnings. There are gems,  
Earth-born, as bright as starry diadems :  
Joy-giving love is common as the air ;  
And love's food, beauty, is strewn everywhere.  
Love !—how light all things are, which men desire,  
Weighed against love !—fame lightest. I aspire  
To win for my poor self a poet's crown,  
Only because it would be passing sweet  
To take it from my brows, and lay it down  
Humbly at thy dear feet.

IV.

'T were a small tribute. What to thee I owe,  
None but ourselves and our Creator know.  
There was a youth, who, ever since his birth,  
Had walked in perilous darkness o'er the earth,  
Against the sharp stones dashing his bare feet,  
Until, upon his way, he chanced to meet  
A gentle saint, who, in her upraised hand,  
Held a bright torch, which o'er the rugged land  
Lightened his stumbling footsteps ; and the youth  
Was led into the saving paths of truth  
By this sweet saint ; and from a darker fate  
Than death was rescued, ere it was too late.  
What wonder, then, that the poor youth, as now  
He treads his torch-illuminated path, should vow  
To dedicate his powers to her, and take  
The staff into his hand for her dear sake,  
And, pilgrim-like, to journey on beside  
His gentle torch-bearer—his saint-like guide.  
'Tis a sweet tale, and yet a tale of truth—  
Thou art the gentle saint, and I the youth.



We are inclined to think this altogether the best poem written by Mr. Kay, which we have seen. We cannot pay him a higher compliment than that of saying, as we sincerely can say, that it forcibly reminds us of Wordsworth's poetry.

As in the case of *Jerningham*, so in that of *Doveton*, we refrain from attempting any regular analysis of the story; our extracts are intended rather to illustrate the general character of the work.

The father of *Gerard Doveton*, a ruined merchant, compelled to retire into the country, where he thought to find, in his retreat from the great world, the peaceful enjoyment which rural scenery and moral occupation afford to those who have a taste for them; but he is disappointed, and the causes of that disappointment are thus eloquently described:

My father was no philosopher, unless it be philosophy to lie down at the approach of danger, like a poor Hindoo fanatic, awaiting the advent of the Juggernaut. It is wise indeed to bear, but not to bear over-much,—to be patient under affliction, but not to be greedy after wretchedness,—to bend, but not to be broken,—to receive meekly the chastisements of Providence, but not—oh! believe me, not wise to take the scourge into our own hands and to lengthen out the measure of our sufferings.

My father, as I have before said, my father was unhappy; he sought for oblivion, but it came not at his bidding; he tried to foster the growth of some new-born passion in his breast, or rather, I should say, to generate an all-engrossing attachment to some particular pursuit. He knew that illness was the nurse of sorrow, and he resolved not to be idle; but, unfortunately, nature had endowed him with no strong predilections, and he soon found that an exotic taste, like plucked flowers planted in a jar of earth, will die long before it can become a rooted feeling in the breast. My father, since the days of his boyhood, had dwelt in "the great city;" vast piles of plasterwoven stone had been daily before his eyes, and now that he attempted to attune his soul to the enjoyment of external nature, he found that the attempt was a failure; he went abroad, and he looked around him upon the thousand beauties of inanimate creation; but he could not lose sight of humanity, nor escape out of himself, by elevating his soul into the clear sunshine of philosophic abstraction, high above the misty influences of this sorrow-reeking world. His spirit was clogged to earth; it was capable of no lofty flight; the green fields and the spreading trees, the all-surrounding heaven, the bloomy air-tints on the distant hills, the sinuous river rushing towards the sea, and, more than all, the beautiful alternations of light and shadow upon the dædal landscape awakened not his slumbering soul, nor dragged his fettered imagination from its dark prison-house of clay. He tried to soar—to be abstracted—to be drunk, as it were, with the surrounding loveliness, but he could not; it was beyond his power; his spirit crept along the earth.

Then he thought to confine the sphere of his effects, and he turned aside from the contemplation of universal nature, to commune with an individual link of the great chain of creation. He sought for occupation in the garden; but there he found not the treasure he was searching after. His mind worked not with his limbs. He took the spade into his hand, and he brought together a multitude of plants, and he classified them, and he watched their growth; and he spake learnedly of *stamina* and *corollæ* and *monocotyledonous* leaves; but his heart was not in his garden; botany had no charms for him, he saw the flower, but he beheld not its beauties; he marked the specific character of each plant, he investigated all its various properties; but his soul dwelt not admiringly upon the wonders of its organic structure and the strange history of its several developments from the seed to the perfect flower. He had dwelt too long in cities to find joy in a study, which has nature for the object of its investigations; old memories haunted him still; to follow up that, which he had begun, he soon found to be fruitless toil; so he threw aside Linneus in disgust, and suffered his garden to be neglected.

The father of *Gerard* is not particularly happy in his family: his wife, the personification of conventionalism, is a mere woman of the world, and her two daughters are faithful imitations of her. *Gerard*, of course, is not the mother's favorite, and the father dares not show his love for him; thus is imagination persecuted by convention. One of the two brothers is a young, thoughtless boy, the other a military dandy—an empty headed and heartless coxcomb. The mother's conventional vanity receives, on one occasion, a tremendous shock from the blundering stupidity of a servant. The incident, which is sufficiently ludicrous, is well related; but we pass on to scenes of a higher order. *Doveton*, unhappy at home, seeks consolation elsewhere, and finds it in the family of the *Moores*. Here is a sketch of *Michael Moore*, the personification of the wisdom of nature untrammelled by art.

#### MICHAEL MOORE.

Michael Moore was unlike his brother in character as well as in person. He was more gentle, more subdued, and of a much more thoughtful temperament. In the clear expanse of

his serene forehead, and the mild lustre of his hazel eye, there was that which indicated a contemplative, and sometimes a self-concentrated mind. He spake little, but his face communed with you. He would bend his eyes fondly on his sister, and take her hand into his own, and his lips would settle into an expression of fondness; and thus would he sit, not uttering a word, until the fulness of his heart overflowed, and his eyelids were heavy with tears; and then he would throw his arms around Ella's neck, and almost stifle her with kisses.

At other times, he would climb up the many-coloured hill, which rose at the back of the cottage. There he would make himself a couch of purple and yellow heath, and baring his forehead to the summer's breeze, he would gaze around him upon the distant landscape, the blue hills, the winding river, and the far-off sea blending with the horizon, and dotted with white sails; or he would lie supine, watching the clouds as they formed themselves into grotesque figures, whilst his fancy bodied forth strange resemblances, and he beheld cities and giants, in the summer's sky. Never did created being more intensely enjoy his existence. With him to be was to be happy; and Michael Moore's was a wide heritage, for the great universe was his portion. He was no dreamer; he did not live, poet-like, in an imaginary world, nor fill the cup of his happiness from any invisible source, but from a fountain, a never-failing fountain, of actual and palpable delights. Were not the trees green? Were not the flowers beautiful and fragrant? Was not the air fresh, and the moss soft, and the turf elastic, and the sun warm? Did not the birds, sing to him, and the painted butterflies wanton around him, and the bees ply their tastes in his presence? Might he not lie on the warm grass, or bathe in the cool element, or run through the thin air, and no one dispute his right to such enjoyments? Happy boy! nature appealed not to his pure young soul in vain; nor spurned he the rich gifts which were laid at his feet, because his brethren were suffered to partake of them.

Nor was this all; for Michael Moore was not content to read only the surface of things. His was an inquiring mind; it was not enough for him to look upon the face of nature, and see that it was very fair; he soon desired to *know*, and he began to investigate causes, and to penetrate, with a searching eye, the inner recesses of creation. Nor did he fail; for he was, indeed

——— "One  
Not doomed to ignorance, though forced to tread,  
From childhood, up the ways of poverty;  
From unreflecting ignorance preserved  
And from debasement rescued;"\*

he had wisdom, not only beyond his condition, but, indeed, much beyond his years; for, though he had received no lessons from any other preceptor than his mother, he had learned very much from her, and retaining firmly the knowledge that he imbibed readily, his mind soon became the store-house of much precious and varied lore. He knew nothing of languages, it is true, unless it were the language of nature; but he could name the stars and the flowers of the field, and he knew every bird by its plumage, and could tell you the specific properties of the smallest insect that had ever excited his attention. And he had read, too, of other countries, and the history of his own land, and he had traced the courses of discoverers upon the map, and there was scarcely a place of which he knew not the situation. Mrs. Moore had not many books, but Michael had studied them all; and, if I err not, to the young student a few volumes are more profitable than vast libraries. It was good for him that he could not prematurely become, as some boys do, a *helluo librorum*; for there is much wisdom which is not in books, and Michael Moore, circumstanced as he was, ran no risk of being seduced by the learning of human sciolists into the more than folly of closing his eyes to the wisdom of God, as unfolded in the pages of the creation. He read; but he regarded each volume as nothing more than an imperfect commentary upon the one universal book of Nature.

And thus he went on, from year to year, increasing in wisdom and in beauty. Time soiled not the purity of his young mind, for he imbibed no pernicious knowledge, and he mingled not with evil people. He thought, and he acted no sin; indeed he knew nothing of its existence, excepting that he had read of its denunciation in the pages of holy writ. He had seen no crime done in his presence, for he had never wandered many miles from his homestead, and then his course had always lain in the direction of the most secluded part of the country. The rude fingers of the world had not brushed off the first bloom of his innocence; he had never hungered after things forbidden, nor drawn one single cup of pleasure from any impure fount. In the midst of beauty and love his young soul expanded flower-like; they were his aliment, and he was always full; he desired no more than he possessed; lovely and full of love himself, he was a portion of that great whole of beauty, which was the source to him of such infinite enjoyment.

Is not this, we ask, an eloquent and highly poetical sketch of an exalted specimen of humanity.

We shall not attempt to give the author's sketches of all his characters, but we cannot omit that of *Ella Moore*:

ELLA MOORE.

Equally pure, equally full of love, equally, nay, more beautiful was Ella. Like unto her brother, in the prevailing expression, and indeed in the lineaments of her face, there was more

\* Wordsworth's *Excursion*.

of the seraph in her aspect ; for her eyes were deep blue, as an Italian sky ; and her figure so light and fragile, that when she *glided* from one place to another, you would scarce have thought that she was a material being. She was one year younger than Michael, but many years behind him in knowledge ; for, although she was an apt scholar, and thoughtful withal, she had not the inquisitive mind of her brother, and she was more contented with the superficial, as woman indeed ought to be. Ella Moore was most truly maiden-like ; she seemed to have an intuitive perception of all that it became girlhood to be ; she never aspired beyond her proper sphere ; nor suffered herself to descend below it. I have seen her when a transient ebullition of feeling has betrayed her into what she deemed an excess, shrink back as though she were frightened at her own boldness, and assume a more becoming serenity. And it was nature, not art, that restrained her : she had not been taught to school her emotions, and she knew nothing of conventional obligations ; she was regulated in all that she did by an innate sense of the beautiful and becoming ; and, if she had been raised from the cottage to the palace, she would have graced her elevated situation equally with her more lowly one.

Of the character of *John Smith*, the personification of the reasoning faculty, or judgment, the following extract of a letter written to *Doveton*, by him, after he had left school, will give a sufficient idea :

"The most amiable qualities of our nature require certain modifications. Even love, wherein you abound to such fullness, must be modified, or it will betray you into excesses not only dangerous but vicious. It is a mistake to think that what is amiable in itself must in its increase become still more amiable. Directly one good quality, by its enlargement, begins to clash against another, it has arrived at an excess which must be moderated ; for one virtue administers to another, and when it ceases to do so, it changes its nature, and is no longer good. Agamemnon was once heard to exclaim, 'Oh ! how hard it is both to love and to be wise.' Love warring against wisdom is not to be cherished, but to be cast out with contumely and disgrace. I question whether more evil does not result from the misdirections of the better qualities of our nature than from the onward progress of our baser ones, even as a treacherous friend is more dangerous than an open enemy.

"I should be almost ashamed of myself for writing down such palpable common-places, did I not feel assured that these very common-places will be much more useful, and, perhaps, more novel to you, than the most sublime and original truths, which, were I capable of giving birth to them, I should refrain from declaring in your presence. You have too much of the original and the sublime (!) already, and what you want is a little of the common-place. I think that I see you, as you read this last sentence ; but do not look so contemptuous, I beseech you, nor utter your indignant 'Pshaw,' nor exclaim, 'Groveling worm !'

*'For man is oft-times nobler when he creeps  
Than when he soars ;'*

and this reminds me that I intended to tell you, that if you read any more poetry, read *Wordsworth's*, and if you can manage to do so, read it always in the open air, with a beautiful prospect before you, and, perhaps, you will learn, from this greatest of good men, how to possess yourself in lowliness of heart.

"I do not infer that you are proud ; but you are too exclusive in your sympathies. I have heard you complain that none sympathize with you : how can you expect it when you sympathize with no one ? You voluntarily separate yourself from the herd, and then complain of your solitary lot. Take it upon my philosophy, *Doveton*, that the world will not trouble itself to quarrel with you ; so that if there should be any schism between you, be assured that you have quarrelled with the world. Come down then to the level of humanity ; for he is the truly wise man who moves with the stream, and yet avoids its impurities ; who is content with the world as he finds it, looking upon all things with a quiet eye, neither envying those above him, nor despising those beneath him, and readily sympathizing with all. Do not think that because you have set your thoughts upon lofty matters, and indulge in high aspirations, and talk about love, and glory, and knowledge, and such like abstractions, that all manner things are contemptible, and that you lower yourself by ceasing to generalize ; for such, believe me, is not the case.

"I have heard you talk about the delight of boyhood, and yet you refuse to share in the very sports which engender them. You talk about the beauties of the creation, and will not stoop to examine a flower ; you talk about domestic happiness, and yet look with contempt upon the woman who sits by the fire-side, employed upon the fabrication of a pin-cushion. You attach no specific ideas to the blessings of which you speak ; how then can you expect to enjoy them ? I am afraid that these dim abstractions of yours are productive of every little happiness. But let me assure you, *Doveton*, and I know not how I can embody my assurances in better language than that of the poet whom I have before had occasion to cite, that

*'The dignity of life is not impaired  
By aught that innocently satisfies  
The humbler cravings of the heart ; and he*

Is a still happier man, who, for those heights  
Of speculation not unfit, descends ;  
And such benign affections cultivates  
Among the inferior kinds.\*

Need I say more to convince you that there is no wisdom in thus always aspiring heaven-ward ?

"If you expect to possess yourself of happiness in the lump, I fear that you are doomed to endless disappointment. It is no easier to do this, believe me, than it is to carry off a house, or a bridge, or a cathedral bodily. Brick by brick we must accomplish the task ; and a number of small pleasures, like a number of small stones, consummate the structure of our happiness.

"Do not, then, refuse to take what you can get, because you are not offered all that you want. I never knew any good arise from thus grasping at an imaginary whole, instead of contenting one-self with the reality of a part ; there is little wisdom in this rejection of small gifts, this yearning after consummate felicity ; especially as the lofty-headed traveller, who will not stoop to pick up the small blessings which lie scattered in his path, is not always the most impervious to the annoyance of the petty difficulties obstructing his way. There is very little philosophy, I am sure, in refusing to derive happiness from the same source that supplies us with wretchedness—from trifles ; and, if I am not much mistaken, I know one who will stop to pick a poison herb, but not to call a sweetly-smelling flower.

*Gerard Doveton* gives an account of his studies at school, and describes his mind to have been endowed with analytical power, that enabled him to separate the grain from the chaff with little labour and difficulty, and thus, though he was less industrious than his school-fellows, easily to out-strip them. Notwithstanding this power, however, and its attendant advantages, *Doveton* was not satisfied with the result of his studies.

"Yet, when I examined more closely the nature of my aspirations, I found that their ultimate object was not to be *known*, but to be *loved*. I looked upon fame, but as the 'minister of love.' If I desired to exalt myself above my fellows, it was mainly, that I might render myself more worthy to claim their sympathy and affection ; it was with the hope that the admired of the many might be a fit object to be loved by the few. I little thought at that time, neither do I think so now, though I well know that it is a common belief, that there is no greater stumbling-block in the way of love, than fame ; I was more charitable in my philosophy. I did not hold that to be great is to be envied ; for I thought that love and admiration are stronger principles than envy.

\* We live by admiration, hope, and love ;  
And e'en as these are well and wisely fixed,  
In dignity of being we ascend ;"

and I did not think so meanly of my fellow-creatures, as to believe, that by the encouragement of qualities opposite to these, we submit to a state of endless degradation. For if we ascend by admiration, doubtless by envy we are debased."

His aspirations were not to be known, but to be loved, a beautiful and characteristic thought !

*Doveton* takes to a regular course of deep study, and advances far into the regions of "Science, Poetry and thought ;" but in this, as in everything else, he shews himself the creature of impulse, rather than of reflection, and runs into excess.

"Month after month passed away, and I felt that I was daily acquiring strength. I had now become the denizen of a new world ; but I know not whether it was a world of happiness or of misery ; for, in looking back upon this period of my existence, I can distinguish but one feeling, — an all-absorbing desire after knowledge, actuating and wholly engrossing me. In the ardour of my pursuit, I forgot the end, and thought only of the means ; or, rather, the ultimate was obscured by the immediate object of my travail ; the means became the end. I lost sight of love and glory in the distance, and beheld only knowledge that was near at hand. Whether I was happy all this time, I do not know ; — I never knew. It was all to me like the excitement of battle ; I had no breathing moments to consider whether my feelings were pleasurable or otherwise. When I was not actually engaged in study, I was pondering over what I had last read. My brain was always at work ; the thoughts of the poet pursued me into the fields : it was in vain that I went abroad for recreation : I could not unburthen my mind. I set my body in motion, I bared my forehead to the breeze, I looked around me at the circumjacent country, — but I could not rid myself of this heavy intellectual thralldom, I could not be fancy-free. Even outward objects, which I beheld palpably, took shape and colouring from the most prominent remembrances that my recent studies had stamped upon my mind. I roamed with *Petarch* in the meadows about *Avignon* ; I was with *Tasso* in the dungeons of *Ferrara* ; I sat with *Ben Jonson*, and other choice spirits of "The Apollon," in the *Old Devil*

\* Wordsworth.

*Tavern, at Temple-Bar. Then, at other times, when the pages of the metaphysician had been the last over which I had bent, I would fancy myself with Socrates in his Athenian prison, whilst the old man, with a serene aspect, and in a calm voice, delivered that wondrous discourse which Plato has enshrined in his *Phædo*; or I would sit beside Epictetus, the stoic, in the palace of Marcus Antoninus; or with Seneca, philosophizing in the death-agony; or weep over the degradation of our Bacon, whose wisdom redeemed us from the ignorance of the dark ages in which he found us. It was to the study of the leading metaphysical writers of all nations, that I principally devoted myself. System after system did I explore, seeking wisdom in this multitude of counsel, but, not finding the jewel that I sought, I searched deeply, and with the most unwearied perseverance; but the further that I advanced into the inner places of science, the more hopeless was my uncertainty and bewilderment. I asked, with Pilate, 'What is truth?' and first one philosopher, and then another, unfolded his little scroll of intelligence before my eyes, and answered: "Thou wilt find it here: in my system is that which you seek." What could I do, thus distracted, but endeavour to judge wisely for myself? I *endeavoured*; and patiently dissecting the machinery of each system, I arrayed their several constituent parts one against the other; and with the utmost candour, and all the discrimination I possessed, did I then attempt to make mine election from amongst the multitude of antagonist arguments which I had laid out for examination before me. I failed; but never was there a failure productive of more lasting advantages. I could not make mine election; I found not what I sought; and the phenomena of the human mind were greater mysteries to me now than ever. But though I had not unlocked the portals of truth, I had found that which I knew must be a key to them: I *knew the causes of my failure*, and they were these; that I had entered the regions of philosophy without comprehending the language of the philosophers; that there was in this country not one, but many languages; and that this plurality had not only been productive of endless difficulties to all travellers in their dominions, but had likewise been the immediate origin of almost all their intestine disputes.*

"Having arrived at this discovery, I recommenced my inquiries *de novo*, by endeavouring, after the fashion of the algebraist, to invent a sort of universal vocabulary, to which I might refer all the different terms of different metaphysicians; and thus reducing them to one common language proceed without any fear of discovering, after months of travail, that I had been following up words instead of ideas, and had made divers journeys, by different roads, all leading to the same final resting-place. How often does the downfall of an error form a pile, whereby we may ascend unto truth."

He neglects even the *Moore*s for this intense study, forgetting that even knowledge may be acquired at too dear a rate; and he suffers for his indiscretion:

"But this state of things could not endure very long; and before the autumnal winds had stripped the trees of their foliage, I became sensible of very strange sensations throughout my whole frame. There was a film over my eyes, a dullness in my brain, a feeling of extreme weakness in all my limbs. I found it difficult to read, and still more difficult to comprehend the little that was reflected upon my vision. There was a continued noise in my ears, as though a rapid stream had been rushing impetuously through my head. All was dim, chaotic, confused. I scarcely knew who I was or where I was. I went about from one room to another, and ordered myself to the daily goings on of life, but all my movements were mechanical. I scarcely had any will to direct me. Others spoke to me, and I made answer, but I knew not what I was saying. I felt neither hunger nor thirst, but I presented myself at all the meals of the family, and ate, because I was accustomed to eat. I retired to my chamber at night, but if sleep be a forgetting, I am sure that I rarely slept. I passed many days in a sort of dim consciousness; a glimmering twilight of the intellect; and then at last the crisis arrived.

I had over-worked my young brain. One night, after I had retired to my sleeping apartment, all the sensations, which I have above endeavoured to describe, came upon me with increased violence. I thought that my dissolution was at hand, and that I was about to be benumbed into a state of torpor, which would prove the fore-runner of death. Perhaps I do not employ the right expressions; for I find it extremely difficult to describe my physical sensations. I felt an extreme oppression about every part of my body, and more especially about the regions of my brain. A dull, heavy, binding pain seemed to grasp me. Such was the weight of the super-incumbent atmosphere, that I felt as though mountains were being piled upon me, as they were upon the vanquished Titans. I opened my chamber window, and I looked around me, but I saw nothing but a pale sheet of silver. The full orb'd moon was shining brightly in an almost unclouded sky, and I was sensible of the light, but of nothing else; no shape, no shadow was distinguishable. I endeavoured to collect myself, but in vain. I walked up and down the room once or twice, thinking that, perhaps, motion might relieve me, but something heavy seemed clinging around me, and my limbs were exceedingly weak. I shook myself, but to no purpose for I could not set myself free. Then I sat down upon the ground, and I bathed my temples with water, and went again to the open window, that the night-air might blow upon my forehead; but I felt no coolness therefrom. Then I threw myself down on the bare floor, and pressed my hands tightly against both sides of my head, for the noise which I now heard was like the roaring of a mighty cataract, and all was darkness, both within and without. I had no other sensations but that of a continuous flowing through the cavities of my brain, and of a binding feeling about my brow, as though it were girt about with a circle of iron; and then, suddenly, all was still, and I seemed to fall into a complete insensibility. The noise had ceased, and the pain had ceased, and I was conscious of nothing further."

In the account of his severe but imprudent studies, of which we have given only brief specimens above, and in the strikingly eloquent and touching description, of his subsequent illness and the images that passed through his mind during its continuance, we have reason to believe that the author describes only his own melancholy experiences and sufferings.

As we have expressed an opinion that we should have preferred the cousin *Emily* of the novel even to *Ella*, we deem it right to give the author's sketch of the latter. *Ella* is more transcendental; but there is a natural grace and beauty in *Emily*, according to the author's description of her, which have an irresistible charm for us; and, we think, that there is not a character in the volume more beautifully drawn than her's:

But my cousin Emily—what shall I say of her? My beautiful little cousin, with her laughing eyes, and her rosy lips, which had a smile on them all day long. Oh! how palpably her image rises up before me, as I behold her, at the time of which I am now writing, in all the grace and purity of extreme youth, full of life, and love, and cheerfulness, the gladdest spirit that ever moved along the earth, shedding sunshine all around her, and making music wherever she went. She was barely thirteen years of age, and the prettiest little creature in the world, with her nut-brown hair, soft, glossy and profuse, streaming adown her back and clustering over her shoulders, with her large, dark, grey eyes, lustrous with love and merriment, and her dimpling, blushing, oval cheeks, which invited you every moment to kiss them, and her full lips which pouted, when you did, with an expression of mock gravity, which was at beautiful discord with the mirth swimming in her eyes, though she endeavoured, with all her might, to frown, and to look angry—a most abortive endeavour, always,

For, lo! directly after  
It babbled into laughter;

and my cousin Emily would cry out “You naughty man!” and shaking her bright ringlets, run away with the swiftness of a fawn, her little feet gliding along as though they scarcely touched the ground; my playful, dear cousin Emily!

She was the sweetest tempered creature in the world, and was never so happy as when she was doing some little act of kindness towards another. To hear you express a wish was sufficient; off she would run up-stairs, or down-stairs, for a book, across the lawn for a flower, or into the garden for a handful of fruit, singing all the way as she went like a bird, and laughing, when you told her, upon her return, that she was “a dear, good, kind-hearted creature, for taking so much trouble.” And how well she knew the tastes of every one—how well she knew what little offering would be most acceptable to each. If an unseen hand had been at work for you in the house, you knew, at once, that it was my cousin Emily's. If you loved flowers, you would be sure to find a fresh nosegay in your plate when you took your seat at the breakfast-table; and all your favourite flowers would certainly be in the bouquet. If you were musical, she would sing to you all day, in the sweetest voice you ever heard in your life; if you were a painter you would be sure to find your colors and your pallets all ready for you at your own hour every day. If you delighted in books, you would always find your chamber well stored with them; and, child as was my cousin Emily, she it was who selected them from the library, well knowing whether the pages of the poet, or the philosopher, or the historian were best adapted to your individual predilection; indeed, wherever you moved in her father's house, you beheld traces of her “gentle spunking.” Who arranged the bouquets in the vases, and the bijouterie on the china-table, and the books in the library, but my cousin Emily? Whose handicraft was visible in the ottomans and the hearth-rugs, but my cousin Emily's? Whose voice was heard singing along the gallery, or past your chamber-door, ere you were stirring in the morning, but the voice of my cousin Emily? Always cheerful, and always active, yet, apparently, always at leisure, it was wonderful to think how much she did in the day, for she always appeared to be doing nothing. Every body loved her, for she was kind to every body; the servants of the house almost worshipped her; and her father—oh! never was there an only child more doted upon by an only parent. As for myself, it filled me with delight to look upon my cousin Emily. She was to me the impersonation of those “household charities,” so often mentioned in the pages of my favourite poet, and I never alighted upon those two words without blessing my sweet little cousin Emily with all the fervour of my heart.

Dorston discloses his love for *Ella*, to John Smith, and the dialogue which ensues is in several passages eloquent and impressive, and is throughout characteristic and well sustained. We quote it entire.

I found the man of sense in his lodgings, making notes upon one of Pindar's Olympiads. His table was greening under the weight of Stephens' *Thesaurus*, Facciolati's Latin Lexicon, and sundry other books of reference, less bulky in their dimensions. He wore a grey frieze dressing gown, and a pair of carpet slippers, in regular reading costume, and altogether he looked comfortable, and independent; not a pale-faced, lean student, but a stout, healthy-looking scholar, who neither ate nor slept the less for his industry, nor suffered the lamp of learning to consume one drop

of the oil of health. He used to say that, "in the pursuit of knowledge, if the mind travels so fast that it exhausts the energies of the body, the weakness of the body will retard the advances of the mind, as a worn-out fellow-traveller clings to his companion for support, and then both of them labour on with difficulty." But I was not, by any means, disposed to coincide in this opinion; for when my body has been weakest, my mind has been always most strong; and I think, that there is nothing which more deadens the intellect than a rude state of animal health. I should like much to enlarge upon this subject, but I do not think that it is the province of the novelist to indulge in such subtle disquisitions.

The first thing that Smith said to me was, "Well, Doveton, have you heard from Anstruther, Esq., of Charlton Abbey, in the country of H —?"

I shook my head, and replied, "But there has not been time yet."

"Plenty," said Smith; "if he had written by post, on the day after his arrival, you might have received your money by this time."

"But, my dear fellow!" I returned, "consider the circumstances of the case;—a dying mother, and all the miseries attending upon a death-bed scene. You may well give him a week, after the funeral, to recover his self-possession."

"Pshaw!" exclaimed John Smith.

There was a pause: I had nothing to say in reply to that decisive monosyllable. But Smith, changing the subject, presently asked, whether I had recovered my carpet-bag?

"Yes!" I cried, with an air of triumph; for I had the advantage of Smith there.

"And, in the way, I suppose, that I recommended to you?" said the man of sense, with a smile.

"By no means," replied the man of imagination, drawing himself up with the air of a conqueror.

"How, then?"

"I left it behind me, at Merry-vale, and Michael Moore was kind enough to forward it."

"And, pray, who is Michael Moore?"

This question induced an explanation; for I really liked Smith. I was of an open, confiding nature; and I loved to unburthen my heart to any one who had inspired me with affection. So I told him the whole history of the Moores; my friendship for Michael, and the love I bore towards Ella; and my suspicions that they were other than they seemed.

Smith's face wore a serious aspect, as he said, "Have you ever reflected upon the nature of your alliance with these people?"

"What do you mean?"

"Simply this," said the man of sense; and slowly and calmly his words came forth, as he continued: "It appears, from your story, that you are enamoured of this Ella Moore, and that the girl returns your affection. Is this the case?"

The blood mounted to my very forehead, as I replied, "Yes, it is."

"And have you ever reflected upon the probable issue of this mutual attachment? You say that the girl is beautiful; she is a cottage-girl, far beneath you; young, simple, and confiding. Now, listen to me, Gerard Doveton: I have long known you, and I fully believe in the kindness of your heart and the integrity of your principles. I do not think that you are a villain."

"A villain!" I exclaimed, starting from my seat, and clenching my hand I spoke.

"Nay, Doveton, hear me out," said Smith, with the utmost calmness. "I say that I do not think you a villain. I believe you to be honest, generous, and kind-hearted. I do not think that you would ruin this girl."

"Let me beseech you, Smith, to spare me these negative compliments. I do not see why you should tell me that you do not think me a villain."

"Because, though I do not think so, *others*, perhaps, may. You are more than eighteen,—the girl two years younger. As children, you might have consorted harmlessly together; but now, Doveton, your own good sense must point out the necessity of breaking off this alliance. It is a pity that you should have proceeded to this extremity, for it will cost you much anguish to break asunder the link that so long has bound you together."

"It will break my heart!"

"And yet it must be done. Better to die, than to be suspected. You are not bound to live ; but you are bound to live honestly."

"And why not live honestly with Ella?"

"Oh, yes!" replied Smith; "you certainly may marry the girl."

"To be sure. Then why talk so much about villany, and heart-breaking separations?"

"Hear me, Doveton," replied the man of sense; "it may be, that you will smile with contempt, when I talk about conventional distinctions, and say that it would little become you to marry this cottage girl. If I cause you pain, I am sincerely sorry for it; but, believe me, Gerard, that my opinion is the opinion of the whole world. You may despise that opinion, and think that you are superior to any such paltry considerations; but, perhaps, you will acknowledge with me, that it would be both unwise and selfish to sacrifice your own happiness and that of your best beloved."

"Doubtless; and that sacrifice would be made, if Ella and I were to be sundered."

"Perhaps not; you think so at present; but when you have thought about it a little, you will find that it is not so impossible to reconcile yourself to this change. Time has a wonderful effect upon sorrow; and it is astonishing with what fortitude we bear, after a season, the evils which, at first sight, appear to be absolutely insupportable. You will soon forget Ella Moore. Have you got a pretty cousin, Doveton?"

"The prettiest that ever was seen."

"Then fall in love with her as quickly as you can."

"Smith, I entreat you not to talk in this heartless manner. I love the girl—I love Ella Moore; and why should I not marry her?"

"Oh! marry her," said Smith, "marry her by all means, and be discarded by your whole family. Marry her, and entail upon your wife the odium of all your relatives; exalt her to a station in society where her claims will be unacknowledged; expose her to endless contumely, and a series of cruel mortifications; allow her the satisfaction of feeling that she has ruined her deoting husband. Yes, Doveton, let her see that she has brought upon you the curses of your parents, and the scoffs of society; and then ask her if she be happy? Oh! my friend, man never did grosser injury to woman, than by raising her to a station in society, which she was never intended to fill."

"Smith, if you were once to see Ella, you would never talk to me again in this manner. I'll answer for it that you have formed in your mind a very incorrent notion of the girl. If you think that she is one of your thick-limbed country wenches, with coarse, rosy cheeks, and clumsy ankles, and red hands, and calf-like movements, and a harsh voice, and a corrupt dialect, you are grievously in error, I assure you. In the first place, she is exceedingly beautiful——"

"Of course."

"And she is full of grace; every action, every motion of her limbs, whether she sits, or walks, or stands, is replete with the most exquisite grace. I tell you, Smith, that in any assemblage, among the gentlest, the most high-born ladies of the land, would Ella Moore be 'the observed of all observers.' With her slender, undulating figure, and her blue eyes, and her small features, and her tiny white hands, and her pretty little feet, she is as delicate and as aristocratic a maiden, as though she had been bred in a palace. And her mind, Smith—oh! think not, I beseech you, that it is coarse, and ignorant, and indiscriminating; for she is endowed with an exquisite sense of the beautiful and becoming; thoughtful is she, much has she read, and when she speaks to you, you would think an angel were speaking, such melody is there in the tones of her voice."

"One thing seems very clear, however," said Smith, with a smile upon his face.

"And what is that?"

"Why, 'tis clear from your glowing description of the girl, that you are devotedly in love with her, Gerard. I would that it were otherwise, my friend; for I do not think that much happiness is likely to accrue from your attachment. The girl may be all that you describe her; nay, I think that she is, Doveton; for you are not one to see perfections that do not actually exist. But, however beautiful and accomplished she may be in herself, you must feel that, in station, she is far beneath you; and I have already described some of the miseries that result from an ill-assorted match. Be not impelled by passion, but guided by reason. Oh! my friend, if ever you have listened to my advice, give ear to it now, I beseech you. Consider well what you are about; pause ere you have gone too far; restrain the impetuosity of your nature; and do not suffer the calm voice of reason to be overswayed by the hurricane of your passions."

Smith spoke with an earnestness and a rapidity of utterance quite at variance with the even tenor of his common discourses. I had never seen him so much moved before; it was plain that my interest was very dear to him, and that he regarded me with sincere affection. No ordinary



cess of inquietude could thus have ruffled the calmness of his nature. I looked into his face ; and his massive features were an expression of earnest sorrow. I was almost tempted to cry aloud, " You have prevailed, Smith, you have prevailed." But my great love for Ella Moore restrained me. What was Smith to me in comparison with her? What were all his hostilities, and his eternal common sense, when weighed against one kind word, or one smile of affection from Ella?—" Smith," said I, " you are my friend, I know it ; I see that you are my sincere friend. But I cannot abandon the Moores ; I cannot tear out the love of Ella from my heart, without bursting all its strings asunder : as long as its pulse continues to beat, they must, they shall beat for her. Smith, you do not know what it is to love, or you would not talk in this strain to me. I tell you, that for her sake I am ready to sacrifice every thing ; friends, parents, station, every blessing in the world, but her love. *Station*, indeed ! what is station to me ? I will descend to her station ; on me shall the tempest fall. What if I should give up everything, and live with Ella Moore in a cottage ; there is nothing, of selfishness in that."

" You talk like a pining, love-sick boy, as you are," returned John Smith. " Now many have uttered before you just this same farrago of nonsense about cottages and broken hearts ; and all the other pet symbols of the tender passion, yet how few have put their love and their philosophy to the proof, by giving up, for the sake of the beloved, one tittle of the common comforts of life. You think that you mean what you say, but you do not ; no, no, Gerard, no cottages for you."

" Love in a hut, with water and a crust,  
Is—Love, forgive us !—cinders, ashes, dust."

Take my word for it that the writer of these lines is perfectly correct in his assertion. Love in a hut ! Doveton ; nonsense ! Hunger and cold, and nakedness, and squalling children, and tickets for soup from the Mendicity Society, and no end of distaining for rent."

" I did not think, Smith," I replied, beginning to lose my temper. " that you were capable of talking such absurdity. I took you for a man of sense ; I find you a man of nonsense. *Hunger and cold*, what silly bug-bears ! just like the *bogies*, which the nursery-maid conjures up to frighten young children. Hunger, indeed ! have I not a hand to execute, and a head to contrive ? have I not faculties, mind, intellect ?—"

" And nine hundred pages of manuscript in your carpet bag ?"—cried John Smith.

" This is too much ; it is, indeed," I exclaimed. " Smith, you will drive me mad."

" Nay, Doveton, you are that already," returned Smith, with the utmost calmness.

" Do you wish, Sir, to drive me from your house ?" and I started from my seat, as I spoke. " Do you wish, Sir, to, to, to— in short, do you wish to insult me ?"

" Why, as you put the question so frankly," replied Smith, " frankly shall you be answered. Doveton. I do think that you are wasting my time by staying here. I do think that you had better be gone."

" Oh ! certainly, certainly, Mr. Smith !" endeavouring to assume an air of levity, as I seized my hat and retired, " your most obedient ; good morning, Sir ?" and I grasped the handle of the door, but my arm trembled so much with excitement, that it was some time before I could open it.

" Yet stay, Doveton ; do not go yet," cried Smith ; " I don't wish you to leave me in a passion."

I did not answer, and Smith continued, " I acknowledge, Doveton, that I was wrong."

Now, this was the first time that Smith had ever confessed himself wrong, in any of his transactions with me, for, indeed, it was the first time that he had been wrong. But the acknowledgment had its due effect. I returned to my seat, and laid my hat upon the table, and said, " Well Smith, I forgive you."

" And you really love this girl, with your whole soul ?" asked Smith.

" I have told you before," said I.

" And she loves you with an equal measure of affection ?"

" I think so."

" 'Tis not enough to think."

" I am sure that she does ; all her words, and looks, and actions, betray her love."

" And you know what love is ; you know how to interpret those signs ?"

" Oh, Smith ! can you ask me such a question ?—Do you not remember the first conversation that ever passed between us two ? Oh ! ever since I began to think, has one strong and absorbing

desire possessed my whole soul ; a desire, or rather, I should say, a burning thirst, to be loved. And can you ask me whether I know what love is, and what are its common manifestations. Me, who have watched for hours the changing aspect of a countenance, looking for an expression of love ; me, who, with the most subtle sense of hearing, have analysed every voice that has addressed me, hoping to catch a tone of affection ; me, who have watched, and prayed, and panted for love, as the hart pants for the water-brooks. Oh, Smith ! can you ask me, whether I know what are its signs ?”

The man of sense did not smile at my enthusiasm. His face was sad, and I thought that I perceived an unwonted glistening in his eyes. He shook me by the hand, and said very kindly, “ Well, Doveton, I have nothing more to say. I was wrong, from the very first, to intrude my advice upon such delicate matters as these. What have I do with such things ? What do I know about the inmost feelings of your heart ? You must let those feelings decide for you. I, perhaps, least of all in the world, am competent to give advice upon love matters. Commune with your own heart, and I do not think that you will act impurely ; though, perhaps, you will act unwisely. But as the old Roman said, and as I once quoted to you before, ‘ Oh ! how hard it is both to love and to be wise,’ Doveton, I will say no more, to you. Love is the province of the heart, not of the head ; and, therefore, you must be guided by your own feelings, and not by me advice. This is unsaying all that I have said to you before ; but I will stand the charge of inconsistency. Common sense and love, have nothing to do with one another.”

Here we perceive that judgment, or the reasoning faculty, is excited into the earnestness of deep feeling, by the passionate energy of imagination under the influence of love. To the language of this dialogue, we have no objection to offer ; but we do most decidedly object to the false morality of conventionalism, which judgment is made to utter. What on earth had difference of station to do with this case ? What disgrace even in the eyes of the slaves of conventionalism could *Gerard Doveton*, the son of a bankrupt merchant, have incurred, by marrying a lovely girl of a most exalted mind, who had never been in any mental station, though educated in a cottage, by a mother who had evidently moved in a higher sphere of society ! *John Smith* does not pretend to question *Gerard Doveton's* glowing description of *Ella* ; of her purity and elegance of mind. What then does he oppose to their union ? The considerations of rational prudence ? No ; but of difference of station ! and this in a country where it is not uncommon for peers to marry actresses ! Had any great difference of station existed even, the argument employed by *John Smith* would still have been false in morals, though consistent with what is called common sense : meaning thereby worldly sense ; but such difference in station did not exist, and yet *Gerard Doveton* did not deny its existence !

In the course of a journey *Gerard* renders some service to a *Mr. Anstruther*, the personification of intellect combined with love ; a man of cultivated mind and exquisite sensibility, sunk by a series of domestic afflictions into a hopeless state of dejection. His gratitude knows no bounds ; until at length it merges into an affection quite parental in its strength. *Gerard* visits him and then this attachment grows up, and leads *Mr. Anstruther* to propose to make his young friend his heir. The exalted principle on which *Gerard* rejects the benefit, is developed in the following dialogue, and every reader will appreciate it, although few, we fear, could have acted up to it. We must premise that *Anstruther* has become so attached to *Gerard*, that the idea of the latter's leaving him, is distressing. *Gerard* is about to quit *Mr. Anstruther* for a month only, then to return and remain entirely with him. It is to this intention that *Mr. Anstruther* alludes in the first passage of our extract.

“ Once, and only once, during the week, which preceded the day of my departure, did *Anstruther* allude to the dreaded event, and then it was in language expressive of the admiration, and the more than gratitude which my kindness had awakened in his bosom. “ To give up,” said *Anstruther*, “ so much for me—how kind, how generous, how god-like !”

And the answer, which I returned, is explanatory of the guiding principle which actuated my behaviour towards my friend. “ You are alone, and, therefore, will I cleave to you. Others love me, and others by me are beloved ; but they all have more than one pillar supporting the structure of their love. Upon me, alone, do you lean ; you say that I am all-in-all to you, but to others I am but one of a number. Take away my support from them, and still they stand erect ; from you, and you fall prostrate in the dust. No, no—I will cling to you, and we will lean upon one another for ever !”

"My son, my adopted son!" sobbed Anstruther as he laid his head upon my shoulder and wept.

And suddenly, as Anstruther uttered these words, a ray of light, which had never shone before entered the dark places of my brain. I started, as though I had been seared with a hot iron, and, disengaging myself from the embrace of my friend, I cried in harsh and hurried accents, "What was that you said, Mr. Anstruther?"

"My son! my heir! my adopted!"

"Thus ends, then, our covenant!" said I, the energy of my manner giving place to a subdued expression of bitter disappointment. "It is over; the spell is broken; and we can no longer live together as friends."

"What mean you? Oh! tell me, Gerard, the import of those strange words."

"Listen," said I, in a calm, clear voice; "listen. I thought that I was honest: I thought that my love for you was pure gold, unmingled with the dross of selfishness; I thought that I clung to you because you lacked support; I thought that I dwelt with you because you were solitary. This faith can sustain me no longer. You speak of adoption, and call me your heir; can I any longer confide in the purity of my motives? I begin to mistrust myself already. You are rich, and I am a beggar; you are childless, and I worm myself into your affections. I am a legacy-hunter, a parasite, a rich man's minion. I bitterly despise myself already. The very servants will sneer at me; the lowest groom in the stable will point at me. The pleasant veil of delusion has been torn from my eyes, and the pillar of my faith knocked from under me. I dreamed that I was honest; and I awake from my dream, and find myself a pitiful scoundrel!"

"Gerard, Gerard! you talk wildly. I do not comprehend what you mean."

"You called me your heir—your adopted one."

"And you are."

"Oh! no; unsay those words, I beseech you. I must not, I will not, be your heir. Love me, but do not adopt me. Let me still be assured of my honesty; let me still feel that my motives for loving, and for clinging to you, are pure. Answer me, then, one question,—*Is it written?*"

"It is."

"Oh! too hasty? I might have been a scoundrel, a designer; but it can be undone, and that at the moment. I will do it. Give me the papers, and then I will prove to you that I am honest."

"Gerard, Gerard!" cried Anstruther; "I never doubted it for a moment."

"But perchance I may doubt myself; so give them to me; indeed, it will be kindest. I insist—or, if you would rather, I will quit your house, never to return to it."

There was an earnestness and a decision in my voice, and in my manner, which fully assured Mr. Anstruther that I would execute all that I threatened. But still he hesitated; he rose from his seat, looked towards the door, then at me, and re-assumed his seat, in silence, as though he were in a painful state of incertitude. "Bring them, bring them," I repeated; then pointing towards the fire, I added, "See how brightly it burns."

Every muscle of Anstruther's face worked convulsively, as he replied, in a scarcely audible tone, "Yes Gerard!—I will—bring them."

"He walked, with tottering steps, towards the door, left the room, and presently returned with a scroll of parchment in his hand. "There Gerard!—the struggle is over, I do not love you the less."

I did not look at the document, but threw it at once upon the blazing fire. The parchment cracked, and blistered, and split; but it was long ere the tough skin was reduced to the nothingness of ashes. "Burn! burn!" said I.

"It will not be burnt," returned Anstruther; "see how it clings to existence; and why destroy it? What a silly piece of mummery! Another slip of parchment, and another stroke of the pen; why, Gerard, it costs you more time and more trouble to annihilate this old document, than it would take me to draw up a new one."

"Ha!—but it will surely perish soon; and you will not reproduce what I have destroyed.—Nay, nay, Edwin!" coaxingly, I added; "that would be hardly fair."

Anstruther answered not, and I continued: "But you will promise? I am sure that you will, because I ask you, dear Edwin."

He looked at me, fondly, for a moment, and then faltered out, "I do promise."

In the following brief passage a painful truth is very eloquently expressed !

" Oh ! indeed it wears the spirit to be neglected abroad, and to meet with no sympathy at home. Man needs support either on the one side or the other ; but if the world despise him, and his own particular circle make a mock of him, his must be a strong spirit indeed, if, in time, it is not utterly broken.

In the third volume, to which we are now referring, there are several very beautiful passages. The history of *Anstruther* is deeply affecting, and wrought up with great power. We can scarcely imagine any description of a perfect community of thought and feeling finer than that contained in the subjoined passage :

We spake to one another unreservedly. We revealed our inmost souls to one another. All our long pent-up feelings now gushed forth in a stream of words. Each was to each like the prophet's rod, which smote the rock and drew forth water. We could comprehend—fully comprehend the secretest workings of one another's souls. Emotions, which we had long conceived to be unintelligible to any but ourselves, were now described by the one and immediately understood by the other. There was a bond of sympathy between us. We felt, as we conversed, that we needed nothing—not even our most morbid sensibilities. We feared not to behold, on the other's face, a smile of sarcasm, or a look of cold indifference. Heart communed with heart ; and we mutually said, " I have never revealed myself to any as to you ? "

" We had both suffered very much from the imperfect sympathies of all around us. How delicious, therefore, was it to meet with a kindred spirit, before whom we could pour our souls freely when our beings overflowed with emotion. Now did we embody, in words, all our most delicate sensations—feelings which, we thought, would have been for ever unexpressed, now found their way into language. All our hopes, our fears, our desires, our joys, and our sorrows, were revealed to the other ; and what delight in the revealing !

" We were by nature similar. In Mary Penruddock I beheld a feminine incarnation of myself. Do not mistake me, Gerard ; she was as far above me in the scale of morality, as the sun is above the moon, and yet elementally we were alike. The fruits were different, but the trees were the same. She had grown in a different soil ; she had been nurtured by other hands ; she had been watched more carefully, and tended more assiduously ; she had not been exposed to the winds of circumstance and the blights of temptation as I had ; she was pure, and I was corrupt ; *she like a river at its course, unsullied and untainted, I, like the same river when it had passed through many cities and collected impurity from them all.* "

In this same history of *Anstruther* there is a very powerful description of the evils resulting from that strange caprice and perversity of human nature which leads a parent to prefer one child to another. *Anstruther* is misled by this caprice into the ill-treatment of the being he had idolized, and actually imagines her nature to have become malevolent when it was really most affectionate. The passage describing his conduct, and its result, is one of exceeding power : it is perfectly heart-rending, but not, we feel persuaded, at all exaggerated or out of nature.

" In proportion as I doated upon my two younger children, did I loathe and abhor their elder brother. The one passion seemed to spring out of the other, and they kept pace in their subsequent development. But to her first-born did the mother still cling the more tenaciously, as I thought, for my hatred of him. And then another unclean spirit began to tear my diseased soul. I thought that Mary loved the deformed child solely from a spirit of opposition ; that she caressed him, and was kind to him to work my annoyance ; that she derived a malicious pleasure from praising the amiable qualities of the boy in my presence, and always endeavoured to conciliate my affections in his behalf, at those very seasons when I was most exasperated against him. The effect of this monomania was, that in time I became a brute, and treated my poor wife—my saint-like Mary—with barbarity.

" But still would she appeal to me in behalf of my first-born. Fully confiding in the justice of her cause ; no unkindness could shake her resolution. She was the unshrinking advocate of the persecuted, and the helpless. I might frown upon her, but she was not to be shaken ; oh ! thou pious martyr in a righteous cause, I look upon my hands and they are incarnadined.

" One day—one dreadful day—now, at length, I have come to the crisis of my history,—the merciless demon was at work in my bosom. I was in one of my most turbulent moods, when Mary entered my study with her favorite deformity—my study, where it had never been before !—where I had peremptorily forbidden it to be brought. She came there, with a book in her hand, to shew me the marvellous progress that the child had made in his studies. She came to taunt me, as I thought, with the moral worth and the intellectual beauty of the little monster, and to upbraid me for setting up matter above mind, for thinking more of the shell than of the kernel. She did say something about this, but there was exceeding mildness in the words that she employed, and

exceeding gentleness in the tones, which entered them. But they were enough to lash my spirit into a whirlpool of passionate excitement. Never before had the exacerbation of my feelings been so intense as they were at that moment. I scarcely knew what I did! I was insane! I uttered a terrific imprecation, dashed the book, that I had been reading, to the ground, struck the child with the palm of my hand on the face, so violently that he howled with anguish, and then thrust the mother and her deformed favourite, with frantic energy, out of my chamber!

"I locked the door, and I picked up the book that I had been reading, but I found that I could not read. So I rang the bell, ordered a horse to be saddled, and was soon scouring the country, in one of those terrific fevers of excitement, which rapidity of motion alone can allay. When I returned, I sat myself down again to my desk, but the book which I had been reading was gone; and in its place I found a small slip of paper, marked with the hand-writing of my wife.

"She had taken the book, Gerard; it was the last thing she had seen me touch, and she took it as a memorial, for she had fled. Yes, Gerard, the wife of my bosom had gone from me, taking with her our three children. She did not, she could not mean to desert me altogether: she had gone, as a warning, as a lesson to me; terrible the warning, and long-abiding the lesson; for on that night, Gerard, a storm arose. I saw it rising from my chamber window,—I saw the heavens blackening, and I heard the winds howling; then thought I of my wife and children, and trembled.

"I knew that the vessel in which she had sailed, for I had visited the quay, hoping that I might stay the progress of the fugitives, was but a small craft, and I trembled for its safety. It was indeed, a dreadful night, and I trembled. The thunder roared, and I thought that it was the voice of God speaking to me, and bidding me to despair. I did not attempt to sleep. I did not lay my head upon the pillow. I sat by the open window, watching the storm, and ever and anon in a voice of agony, beseeching God to pacify the elements. But he hearkened not, Gerard; he hearkened not, and the vessel perished in the storm; my wife and my children were drowned in the great waters; my idols were all broken."

This is very tragical; but there are few such exciting and distressing passages in the work, its general characteristic is composure, not excitement.

We have already shewn, in our notice of *Jerningham*, that the author excels in the delineation of a love scene. That we quoted was highly wrought and altogether exceedingly beautiful, and in keeping with the very excitable actors in it.

The scene of *Gerard's* love-making to *Ella*, is one of simple beauty and pathos:

I was left alone with Ella, on that morning. Seating myself beside the beloved one, I took her little hand into mine, and looking upon it smilingly, I said, "Ella, methinks that this small white hand is an index of high birth."

Ella blushed; and then, looking into my face, she said, with a sweet smile, though her face wore a thoughtful aspect, "Often does an index indicate falsely. There is no rule without an exception."

"Oh! but small white hands are very certain tests of aristocracy. Napoleon, and Byres, and Ali Pasha, have all been of this opinion."

"A trick of their self-love," returned Ella. "I dare say, that they had white hands themselves."

"But tell me now, Ella, would it make you happy, if it were proved, beyond all doubt, that you are the daughter of a great man?"

"I am an orphan," returned Ella, thoughtfully.

"And, therefore, you could not grieve to find that you have a parent living."

Ella cast down her eyes, but answered not, and I continued, "Methinks, you would change a dead parent for a living one. Better to rejoice over a treasure found, than to grieve over one lost."

"I do not understand you," said Ella.

"Do you ever attempt to look into the future; do you ever speculate upon your probable destiny?"

"Michael and I together have talked over our plans; but as yet we have made no definite arrangements. Sir Reginald has promised to get him employment, and wherever he goes, I will go; his home will be my home, and his people my people."

"But you will not dwell with him all your life long."

"And why not?" asked Ella, looking up into my face with an expression of beautiful simplicity.

"Because, peradventure, you might find another friend, with whom you would rather live all your days, than with Michael."

"What other friend, Gerard? I think that I must be very dull this morning, for I do not understand half of what you say."

"Perhaps, it is that I am obscure. But, tell me, is there no one in the world, whom you love even better than Michael?"

Ella spoke not; but the blush, which my question elicited, was an answer more significant than words.

"Tell me, Ella," and I took her hand into mine, "is there no one whom you love better than Michael?"

"I am fatherless and motherless," said Ella.

"But the love of kindred is not always the strongest. Ella, dear Ella!" and I passed my arm around her waist, "is there no one beside your brother, whom you would be content to live with to the end of your days?"

Ella answered not; her head drooped, and slightly her frame trembled.

"Do not be angry with me, Ella, for asking you these strange questions. Indeed, indeed, I am not sporting with you. Tell me, my sweet girl, is your brother Michael dearer to you than all the world beside? Is there no one for whose sake you would leave him? Is there no one dearer to you than Michael? And as I said this, I drew the young maiden closer to my side, and bending down, I looked into her eyes with an expression of supplicating fondness.

Ella lifted up her head, and silently she turned her face towards me. Oh! such a look of tenderness and love was there. I no longer desired that she should speak.

She laid her head upon my shoulder, and the only word that she uttered was, "Gerard!"

We were happy; but for a few brief minutes. Such joy as this could not last. The dream was soon over; and Ella Moore was the first to awake into consciousness.

Suddenly she withdrew herself from my embrace. "Gerard," she said, in a decisive tone of voice, with a supernatural effort of strength, collecting all the powers of her mind to aid her in this extremity, "Gerard, this must not, this ought not to be. We can never be to one another more than we are now; already I fear that we are too much. Forgive me that I have ever dared to regard you with any other feelings than of humble respect and gratitude. You are far above me in rank, and education, riches, everything; I am fit only to be the handmaid of such as you are. I am nothing but a poor cottage girl, and I am not so selfish as to desire that you should demean yourself by thinking of me as being any other than a lowly dependent upon your bounty. I know that you are generous and devoted; I know that you would willingly set aside what the world calls the distinction of society; but I love you too well to suffer this sacrifice to be made on my account. We had better part; we had better dwell asunder. It is decreed that we are to move in different spheres. Michael will labour for me, and protect me; we are not ever likely to cross one another in the paths of life. A few days will divide us for ever. Forget that you have ever known me. My prayers will ever be lifted up for your safety; my blessing will ever be upon your head. Forgive me, that I have spoken thus plainly; I fear that my words have caused you anguish; but believe me that I have no other desire but the advancement of your happiness and welfare. Mr. Doveton, it would be better for us both that I should leave this place with all speed; it would be better—" but she could not utter one word more. She had no longer any strength to support her. The trial was too great; it was an effort beyond her nature that she was struggling to make. She could not subdue her rising emotions; they overcame her thoroughly at last, and, hiding her face between her hands, she burst into a paroxysm of tears.

Then presently she rose from her seat, and moved towards the door; I followed her, and gently taking her by the hand, I prevented her sudden retreat. "Yet, stay, Ella; but a few words more ere we part; sit down and dry our tears, for that which has caused them to flow so plentifully exists but in your own mind. Ella you are my equal, and more than my equal. What was it that you told me in the spring, about the cushions of green velvet?"

"A foolish fancy of mine," said Ella, dashing away her tears as she spoke.

"Nay, Ella, it was no foolish fancy, but a remembrance of that which once was—of a time when you were a dweller in a splendid mansion—a child born to wealth and station. Ella, did I not tell you when we parted upon the green hill behind your cottage, that I would put forth my whole strength in the endeavour to clear up this strange mystery? I have kept my promise; I have laboured diligently, and a great success has attended my labours. Now, sweetest, listen to what I have to tell you. Already does Michael know the truth. You are neither an orphan nor a cottage maiden, but the daughter of Mr. Anstruther, my friend."

That evening I set out for Charlton Abbey; and Ella kissed me on the forehead ere I went

The death scene of *Anstruther* is portrayed with much pathos, and the conclusion is very impressively wrought up. The discovery to which the dying man alludes, is that of the *Moore*s being his children, for whom he had so long mourned as lost.

"My imagination is very fertile," I answered, "and in my mind a possibility is soon magnified into a probability—a probability into a conviction. The likeness of Ella to your wife, and of Michael to yourself, together with their possession of your miniature, does furnish a chain, though a very slender one—a chain of presumptive evidence. Besides this, Michael tells me that he distinctly remembers, in his early childhood, a great storm at sea."

"More proof! more proof! the light is beginning to dawn upon me; I doubt not but that it will blaze forth anon. Bring them to me, Gerard, for methinks that there is a strong instinct within us which teacheth us to know our own children. If they be mine, I doubt not but that I shall know them: bring them to me, or reveal at once all the hidden knowledge, which lies darkly within you, for I am as certain as I am of my own wickedness, that you know much more than you are willing to reveal. Do not be afraid of exciting me; I can bear anything—anything that you can tell me. Whatever you say, Gerard, will no more affect me than the wind does a frozen lake."

"Edwin, was the name of the vessel, which went down with your children, the *Emerald*?"

"It was, it was," gasped Anstruther. "How knew you this, Gerard? I told you not—I told you not the name of the vessel."

"No; but I once knew a man, who was on board of it—"

"A man who was on board the *Emerald* when she perished?" asked Anstruther, with an energy which he could not control, for he was in a fever of perilous excitement.

"Yes," I answered, "he was saved. Providence watched over him, and he was saved."

"Alone—escaped he alone?"

"No; not alone, with him a woman and three little children."

"And the woman?"

"Was Mrs. Moore!"

"Merciful God, I thank thee! Then I am not a childless man."

He sunk back with his head upon the pillow, and his hands clasped across his breast. And thus he lay for some minutes supine and motionless, his lips alone moving a little.

I thought that the wretched man was praying, so I did not utter a word.

But presently he turned his face towards me, and said, in a low voice, "You are not making a mock of me, I hope."

"God forbid, Edwin, that I should be so cruel a tormentor. I have with me an affidavit made by this very man. I did not tell you all I knew at once, thinking that it would be too much for you; but I have proof, clear and decisive, beyond all shadow of doubt. Michael and Ella are the children of your loins! Have you strength to listen to what I can read to you; the statements in this paper? I fear that already you are exhausted; you had better try and compose yourself to sleep."

"Sleep, Gerard! Do you think that I could sleep, with my children, my long-lost children beneath the roof, and I not yet having seen them—not yet having pressed them to my bosom! No, no, Gerard, read that paper; let me know, beyond all question, that my children are living; prove it to me incontestably, and then bring them to me that I may bless them."

And in a voice as clear and distinct as I could summon to my assistance, I read the eventful deposition of Paul Phillips to the end.

Anstruther interrupted me not. He turned his face towards me, and it was pale and rigid as white marble; his eyes were fixed intently upon me; his lips pressed closely together, his hands clutched the coverlid of the bed.

He spoke not, he moved not, whilst I read, and when I had done reading, he changed not his position for some minutes, and I thought that he was senseless. But anon he raised his hand to his forehead, and faintly articulated, "Is that all?"

"I have read the deposition to the end."

"And it is signed—attested upon oath—made before a Justice of the Peace?"

"It is—"

"Then bring me my children;" and the sick man's voice was loud and exceeding shrill; "bring me my children that I may bless them! And hark you, Gerard, do not say that I am dying, but send directly for \* \* \* and \* \* \* and \* \* \*, all the first physicians in London; tell them that I have mines of wealth, and that they shall have all if they can but save me. I must not, I will not die yet—to die now, oh! horrible, Gerard; to think that my bark, after braving many tempests, should go down in the very sight of home; God! merciful God! for their sakes spare me, I

implore you : suffer me yet a little while to live, for their sakes, not for my own : they are good and holy, and pure, and innocent, they have not bowed down to idols. I ask as one deserving nothing—but God is merciful, and I am sore-stricken. Oh ! any thing but this—any thing but death at this moment. I ask but for life ; let it be a life of pain, poverty, disease—let me live a leper—only let me live, and I will—fool that I am to think of bargaining with the Most High !

“ But why sit you there ? continued the sick man, raising his voice to a still higher tone, “ why sit you there ? do you hear me not ? Bring me my children, Gerard ; I say, bring me my children. For fifteen years I have been as a childless man, and now God has given me back my children. Bring them to me, Gerard ; for my time is short ; I cannot spare a minute of this great happiness—the joy of looking upon my children. But hark you, do not say that I am dying ; I am not dying—no, no—it is impossible that I should die at the threshold—the very threshold of my sweet home.”

I left the sick-chamber with a quaking heart, and hurried immediately to my uncle. Rapidly I told him of all that had passed between Anstruther and myself. The tears glistened in Mr. Pemberton's eyes, as he said to me, “ The father must be obeyed ; we can keep him no longer from his children.”

Together my Uncle Pemberton and I went to prepare Michael and Ella for the interview. They were sitting side by side, and Michael was endeavouring to allay the fears of his sister—whispering words of hope into her ear, though his heart misgave him all the time.

My uncle repaired to Anstruther's chamber, desiring us to follow him in a few minutes. He went thither hoping to strengthen the dying man with the sweet medicine of prayer. I sat down beside Ella and said, “ Fear not ;” but Ella trembled from head to foot. Michael's face too was pale as a spectre's. The few minutes that we waited below, appeared to us like so many hours.

But at length the time passed, and I led Michael and Ella to the chamber of their dying parent. My hand shook like the hand of one palsey-stricken as I laid it upon the handle of the door.

We entered. Anstruther would have sprung from his bed, but that the strong arm of my uncle restrained him. “ My children ! my long lost children !” he cried aloud in a shrill voice, “ I implore you not to keep me from my children,” and sitting upright in his bed, he stretched out his lean arms.

Michael and Ella rushed towards the bed, and, in a moment, they were in the embrace of their father. First one and then the other he kissed with frantic energy. He pressed them to his bosom ; then he gazed at them passionately ; he laughed, and he wept aloud. Then he kissed them again and again, and passed his fingers through their hair, and ever anon and uttered such broken sentences as these.

“ My children—my long lost children—my Edwin. Yes, your name is Edwin, not Michael—and your name is Mary—yes, Mary—your mother's name was Mary—and you have your mother's face. There now, my sweet child—look up, for I would gaze upon your face—you have blue eyes and golden hair like your mother—you are weeping—nay, don't weep—laugh, laugh as I do—you ought to rejoice for you have found a parent—as I rejoice having found my children, my long-lost, beautiful children. Oh ! I am so proud of you—how lovely you are both. We will be so happy, so happy, Edwin. I have a fine house and beautiful gardens, and we will have such merry-making at the Abbey—we will have bonfires and illuminations, and fire-works—and prayers too, prayers, Mary—thankgivings, for God is merciful. He has given me back my children, and we must not forget Him—we must not be ungrateful to God. And, Gerard, too—where is Gerard ?—Mary, you love Gerard—we shall have ‘ points and bride-laces’ anon—ha, ha !—we will have such doings at the Abbey—now kiss me, my sweet Mary—and do not hide your beautiful face. Proofs indeed ! oaths and affidavits !—you are the very image of your mother—I should have known you any where as my child—the parental instinct is strong.—But speak to me—why are you silent ? lift up your voice, Mary—I wish to hear the music of your voice.”

But all that the young maiden could say was “ Father !—my dear father !”

“ Ah ! that voice ! I should have known it in a chorus of a thousand ; it is the same sweet voice that gladdened me with its music in the summer of my youth. Can you sing, Mary ? Your mother used to sing to me, and you shall sing to me—oh ! how happy we shall be ! But, hark ye, my sweet children, we must not love overmuch. God is a jealous God, and idolatry is a grievous sin. I have a great pain about my heart, and there is something burning me, like a fire, in my brain—but I am not ill, you must not think that I am ill ; I shall live to a good old age, for God has given me back my children, and I am no longer a solitary man. Gerard, give me some wine, you know it is my old medicine, besides, I must drink to my children—you will not—why you think that I am ill—I feel strong as a giant, and I shall come down to dinner to-day.”

But the sick man, though he boasted of his strength, was utterly exhausted, and slowly and faintly his words came forth. He sunk back, with his head upon the pillow, but he still held Ella by the hand. There had been an unnatural brilliancy in his eyes, but now they were dim and glassy ; there had been a hectic flush on his cheeks, but now they were utterly hueless. Everything betokened approaching death. The supernatural energy which had supported him was gone, and he now lay weak and powerless upon the bed, scarcely able to uplift his hand.

But still he continued to speak, though his voice was exceedingly low, “ I wish that you would give me some wine—I wish that you had given it to me when I asked for it, for I am weak now, very weak for the want of it. My sweet Mary, give me a kiss, and raise those pillows be-



bind me, for I cannot see you whilst I am lying thus—that will do, yet now I can scarcely see you—Perhaps it is that my eyes have become dim—come nearer to me, still nearer, and you Edwin—there now I feel you both—Mr. Pemberton, we must not forget God, it would be well for us all if we prayed."

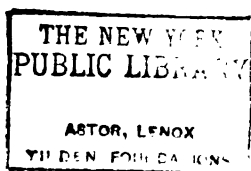
"Can you hear what I am saying?—now, my sweet children, pray do not think that I am dying; I have often been worse than this—much worse before. I have many years to live, and we will be so happy at the Abbey, and Gerard shall live with us. Come hither, Gerard, and take Mary's hand—you love one another; love on, but be warned by my sad fate. Why do you weep, my children? Ye have come back to me after an absence of fifteen years, and why do you greet me with sobs? God, spare me yet a little while! I feel icy cold—and yet it cannot be death. Kiss me, my children, all of ye, for perhaps I am dying after all. God is just; I deserve it to the full; be sure of that—I deserve it to the full. And yet it is something to have seen you—to have blessed you—to have embraced you—to have felt your kisses on my lips—God! I am grateful for that; Thou art just and merciful, and thou art afraid that I shall sin again as I have sinned in my youth. My beloved ones, be warned—I am suffering for my iniquities—*Little children, keep yourselves from idols.*"

"And yet I am not dying—it cannot be that I am dying with my long-lost children in my arms. My miseries did not kill me; how then can I die of joy? Too much happiness kills not. Sweet Mary, kiss me again; I feel your cheek against mine; how soft it is! and now methinks I see you, for the film has passed away from my eyes, and yet I see you in the darkness—perhaps, it is not you, but your mother. My sweet children, you did not know your mother—oh! you would have loved her so much—but it has pleased God to keep you from idols. Be sure that all He does is merciful—Gerard, be sure of that—if it pleases God to take me now, it is only an act of mercy—but, perhaps, He will spare me yet a little while. Now why are ye all weeping? I hear sounds as of many people weeping—I do not weep, but rejoice. Ha, ha! now laugh all of ye! for mercy's sake weep not aloud; I cannot bear to hear you sobbing. My children—my beautiful children, I have lands and houses, and money—be happy; I forgot it till now, and I scarce think that I can write. What does it matter? Love is everything—love one another; but hark ye, it is a good thing to love, but you must love God better than one another. I did not, and, therefore, I am dying—*Little children, keep yourselves from idols.*

He never more spake word—and Michael and Ella were fatherless.

We had intended to give several other extracts from *Doveton*, but we are obliged to abstain from indulging our inclination, in this respect, as we have already far exceeded the allotted space. We hope, however, that our selections will be held to amply sustain our praise of this very ingenious, and, in many respects, highly interesting production. We have stated our objection to the design of this work to be, that it almost necessarily involves a diminution of interest and sympathy, which it is the proper business of fictions which deal with human beings and the incidents of society to excite. The writer of such fictions, should feel it incumbent on him "to catch the living manners as they rise." It is right to remark, however, that the very conception of such a design is indicative of a superior and very imaginative mind. Of the manner in which Mr. Kaye has carried out that design, we have already stated our opinions. If, however, some of his characters are too transcendental, some are exceedingly natural, and several, as we happen to know, are drawn from real life. One feature of Mr. Kaye's writings which must insure for them and for him the respect of all good men, is the pure and elevated tone of morality which pervades every one of his productions, in prose or verse. There are in them no glowing and voluptuous descriptions to excite the passions, and secure success, at the sacrifice of principle. Though many of his scenes are, as we have said, highly wrought, and some of them overcharged, there are none which array vice in seductive colours, while, on the other hand, he frequently inculcates moral truths with the fervour of an enthusiastic moralist, and the eloquence of a man of genius.

Such are Mr. Kaye's claims to distinction as a writer. Of his qualities as a man we have already spoken in terms which are dictated by our judgment rather than by those feelings of esteem and regard, that we, in common with all who know him, cherish for this gentleman. His duty has called him to Arracan, whither he is gone to command the Artillery at Khyk Phoo, and whence, we trust, he will soon return in health to instruct and interest the public by his talents, and to gladden, with his society, the many friends who have witnessed his departure with regret, and will hail with joy his restoration to them.





THE HON. SIR EDWARD RYAN, A.M.

Chief Justice of Bengal.  
M. A. S.

## BIOGRAPHICAL SKETCHES.

### No. IV.

#### Sir Edward Ryan.

OF all secular offices the judicial is the highest in dignity, importance, and solemn responsibility. In England, the independence of the judges is regarded as a sacred right, a constitutional privilege, and safe-guard which it would be sacrilege to trench upon; and accordingly the dignitaries of Westminster-hall have been created utterly independent of the Crown and its Ministers, and responsible only to the Houses of Parliament. In this country it necessarily happens, that both the Queen's and Company's judges are more dependent upon the ruling powers; yet, we trust, that India may never be doomed to see judicial dignity compromised,\* or the liberty of the subject invaded.

High and varied are the qualifications necessary to constitute a fitness for the performance of the judicial functions. The judge is called upon to elucidate the most intricate subtleties of law, to investigate, carefully and minutely, complex details of circumstances and events, to weigh conflicting testimony, to discriminate between the improbable truth and the plausible falsehood, the *vrai* and the *vraisemblable*:—upon his *fiat* may depend the rights and liberties, the property and the lives of his fellow-creatures. It is true that in England all questions of fact, whether in civil or criminal matters (and in this country in all criminal matters), are referred to the decision of a jury of twelve men; but it is well known to what extent the presiding judge can influence their verdict by a hint, and, in many cases, control it altogether by a simple expression of his opinion. We have frequently been amused to observe the eagerness with which the jurors turn round to listen to the judge when he commences summing up the evidence, and the close attention with which they mark each expression. Bewildered by the counter-statements and flat contradictions of a host of witnesses, bamboozled by the learned sophistry of the advocates on either side, perplexed by their own vague and fluctuating impressions, the twelve worthy and honest occupants of the jury-box hail the address from the bench as the revelation of a superior being. They willingly place entire confidence in the opinion of one who can have no interest in wilfully misleading them, whose solemn office alone seems to guarantee his integrity, and whose varied and lengthened experience lends weight to his advice and suggestions. Whatever light appears to be thrown upon the case by the coruscations of the

\* We trust that Sir John Cam Hobhouse will yet entertain a similar opinion, or else that the united voice of India may drive it into the ears of the "deaf adder!"

advocate's ingenuity, the jury are apt to mistrust, and to regard it as a will-o'-the-wisp which threatens to lead them into the quagmires of doubt and uncertainty; while, on the other hand, every ray which emanates from the judge, is hailed as a safe and sure beacon-light! It is curious and interesting to observe, in how few brief and simple sentences an able and experienced judge will often unravel the most complex tissue of contradictions and discrepancies; separating the few grains of ore from the mountains of rubbish, demolishing the flimsy web which sophistry had artfully wove, furnishing a simple clue to the apparently inextricable labyrinth, and rendering clear and plain what had just before appeared to be involved in hopeless darkness and uncertainty.

The learned subject of this sketch, is well qualified, by natural endowments and acquired experience, to fulfil the duties of his high station. Sir Edward Ryan has presided as Chief Justice of the Supreme Court of this presidency for above four years, having previously sat on the bench some seven years as Puisne Judge. We are not aware that his lordship was distinguished at the English bar by the oratorical qualities, which belong to the mere advocate; but his name is well known to the profession, by the learned reports which he conducted, in conjunction with the late eminent Chief Justice, Sir William Oldnall Russell. It is a trite remark, that the best and most brilliant advocates rarely make other than indifferent judges, and although the present day furnishes two or three striking exceptions, the general rule most unquestionably holds good. Perhaps Erskine and Garrow were the two most remarkable instances of its truth. The eloquent and successful advocate, who has suddenly exchanged the bar for the bench, does not readily adapt his feelings and habits to his novel position. His mind has been so long warped by legal subtleties, that it becomes enamoured of hair-splitting niceties, of distinction; prefers the ingenious to the solid in argument, betrays a lurking disposition to take up the difficult side of every question, and often, at the outset of the inquiry, is unconsciously and permanently biassed by hastily adopted notions; while, again, in addressing the jury, force of habit occasionally hurries him into a vehement and impassioned appeal to their feelings in favour of one party or the other, instead of the calm, dignified, and impartial tone which ought ever to characterize the address from the bench.

From faults of this character, Sir Edward is wholly free. We have often been surprised to observe, how skilfully he avoids betraying, in the least degree, the leaning of his opinion, during the progress of a tedious investigation, or a lengthened argument. In vain does the labouring counsel suggest a hypothesis nearly analogous to his own case, or craftily insinuate some ingenious query to sound the bearing of his lordship's mind:—Sir Edward smilingly parries the oblique attack, and, perhaps, puts a question in return which *steers* the querist! The learned Chief Justice's experience in India, has imparted to him very considerable knowledge of the native habits and character, a know-

ledge most useful in deciding upon disputed facts. We have seen the learned judge subject a Hindoo or Mussulman witness to a most vigorous cross-examination, chiefly, too, upon points untouched by the counsel, who had already examined and cross-examined him, and thus succeed in eliciting some circumstance which ultimately determined the fate of the cause. In no country more than in India, is it necessary to compare the direct testimony adduced, with the testimony furnished by circumstances; for almost daily experience, unfortunately, presents instances where a host of witnesses have concerted together, beforehand, to invent and support some ingenious tale, with its lying accompaniment of the minutest circumstances, and so artfully is it contrived, and so well tutored are its suborned supporters, that it requires no small skill to detect a single flaw or discrepancy. But experience will occasionally suggest a line of cross-examination which elicits some "damning circumstances;" and we have thus sometimes seen the Chief Justice astonish the plaintiff's counsel, after they had closed their elaborate case, although the defendant had scarcely called a single individual to support his meagre defence, by quietly observing, that the Court did not believe a single syllable uttered by a single witness for the plaintiff, and that, accordingly, he must make up his mind to be nonsuited.

The learned chief justice is endowed with a very fair share of the quality so essential to a judge, clearheadedness. His mind rapidly seizes the bearing of a case, distinguishes the matters which affect the point at issue from all that is useless and irrelevant, and skilfully reduces the complexities of an involved argument to one or two simple questions. We have rarely seen his lordship allow himself to be blinded by sophistry, or imposed upon by verbiage. The advocate who should attempt to succeed by the employment of plausible fallacies, or by involving his meagre argument in a misty halo of high sounding language, would expend his breath and ingenuity in vain. Altogether, the learned judge appears to more advantage in deciding a knotty point of law than in determining a disputed question of fact, in comparing and contrasting precedents and authorities than in weighing evidence and probabilities. It has struck us, that when once a doubt has crept into his lordship's mind, it takes a great deal indeed to satisfy such doubt. The same used to be alleged against Lord Plunket, and the peculiarity may not necessarily arise either from obstinacy of opinion or confusion of ideas, but rather from an over-subtlety, which, once aroused, starts objection after objection and doubt after doubt, until the harassed mind beholds inseparable difficulties arising on every side. Yet we have frequently known a most dubious and difficult question clearly and satisfactorily decided upon the spur of the moment, without any timid qualification of the opinion expressed. We do not think that the Supreme Court in general postpones its judgments, for after-deliberation, much more frequently than the Courts of Westminster-hall, at least in the modern day. It is alleged by the bar at home, that in the olden time, when Kenyon, Mansfield, Buller, and other cotemporaneous worthies, were wont to preside, a delay in pronouncing judgment was a most rare occurrence, while in these degenerate days the cur-

*adv. vult.* (intimating that the bench is slightly bamboozled and craves time for further deliberation) is the most frequent of all judicial announcements. They of the old school, however, must not forget that my Lord Eldon's *doubts* became a bye-word.

In manner, Sir Edward Ryan is peculiarly mild and urbane, yet with no lack of judicial dignity. His language is clear and well expressed, but quite unpretending and totally devoid of oratorical elegance. With the profession his lordship is almost universally a favourite, from his kind and ready compliance with expressed wishes as far as custom and etiquette will permit, his courteous mode of address to all of whatever standing and consideration, and his polite attention to the longest and dullest speech which a silk gown and cambric bands empower learned gentlemen to inflict upon the Court !

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## CRITICAL NOTICES.

### THE BOOK OF GEMS.

This is a *jewel* of a book. We remember meeting Mr. Hall at Pickering's, the booksellers, when the first volume of this beauteous work was in embryo and as we looked over the proofs of the engravings and read a list of the authors to be illustrated, we prophesied a success to the undertaking unparalleled in the history of Annuals. Since this time three volumes have appeared; the third is now lying before us.

"The Book of Gems"—of a certainty 'tis no misnomer for a work so sumptuous as this. 'Tis truly a book of gems, "dug from the mines of art"—from the mines of painting, of poetry, of sculpture—mines inexhaustibly full of wealth, more precious than Golconda treasures. We envy the man who can devote a life to the working of these mines—who has no harder daily task to perform than the digging up of these bright gems and arranging them museum-wise for the inspection of the world. We should ourselves set about such a work as this with a right-earnestness, but little accordant with the sluggishness of our phlegmatic temperament—*provided that we had an amanuensis*. How delicious to lie upon a couch, with *heaps* of poetry around us, choosing our author according to the mood of the moment; if kindly-hearted betaking ourselves to the sweet domesticities of *dear, good* Wordsworth; if gloomy, disgusted and misanthropical to the sunless cavern-depths of dark-souled Byron; if languid and enervated and luxury-lapped to the "silken dalliance" of Moore's sense-subduing, Sardanapalian Muse; if restless, and soaring and Utopian to the high-wrought imaginings of bewildering Shelley; and thus to wander at will in the garden of poetry, culling flowers and wreathing garlands, free and unfettered to go where we list with no one to control our excursiveness. We would willingly leave Grey to his "Marivaux and Crebillon," whilst we luxuriated in the poets of our time—a time which has seen the radiance of a brighter galaxy of poets, than any half century in the life of our literature.

There are some who will take exception to this, and cite against us the Shakesperian æra. We are a little staggered, but we maintain our ground. Shakespeare is so hallowed a name, that it would seem an impiety to measure any intellect with his, so giant-sized are all its proportions. But one flower, though it be an aloe, which blooms once in a hundred years, makes not a fair garden; and one palace, though grander than Nero's, makes not a fine city. Shakespeare stands alone, unrivalled; we set up none against him, he is a sort of intellectual O'Brien, and it would be no fairer to bring *him* forward in disproof of our assertion than it would be to support an argument in favour of the improved physical condition of mankind, by citing the Irish giant as an example. We will not suffer this battle to be decided by *single combat*. We speak of an age not of an individual—a galaxy of bright stars—the greater and the lesser ones together—ay, even to the "luminous haze which links star to star," the myriad of small wits which add to the brightness of the whole, though individually they have no distinct place in the map of our poetical heavens. "But bethink you," our Elizabethan antagonist exclaims, "of Spenser, and Fletcher, and Marlowe, and Ford, and Ben Jonson, and Herrick, and Massinger, and a host of other doughty-mailed Knights." We have not a Spenser, but we have a Wordsworth



and a Shelley. We have not a Fletcher, but we have a Keats and a Lamb; we have not a Marlowe, but we have a Leigh Hunt; and so, we might go through the catalogue; and, dispersing the fog of antiquity, seen through which all objects are magnified, we might show that the grants of our own time are gigantic as the great men of the past. Let us take the volume now before us as a sample of the Georgian poetry. It is but a poor sample, however, for brighter gems might have been collected than those in the casket on our table. But still they are gems, and although imperfectly, they will serve to illustrate our position. The poetry in this volume is at least equal to that contained in the first volume of the *Gems*—far superior to that in the second. Wordsworth stands first in the list and rightly, as undoubtedly the greatest poet of our age. He who is not a great philosopher can never be a great poet. In the writings of William Wordsworth we trace everywhere the workings of a grand philosophic mind—there is nothing little or sordid, or contemptible; all is elevating, purifying, ennobling. He is the most soul-cleansing of poets—it is almost impossible that his disciples should be proud, or selfish, or harsh, or uncharitable. We love him and could write for ever in his praise. We owe more to him than to any human writer, for he has taught us one grand lesson, the truth of which few will venture to dispute,

— that Man is oft times nobler when he creeps  
Than when he soars.

We confess that we were far different from what we are now before we adopted the Wordsworthian philosophy. But this is very little to the purpose.

In opening the volume before us, at the head of the first page of selections, we see the great good man himself in an exquisite engraving from Pickersgill's picture. This is the only portrait in the book. It is a gem; but the gem of all gems is the poem in the pages that succeed. We boldly challenge our imagined Elizabethan antagonist to bring forward a poem of equal length, from the writings of any other poet, we care not of what age, containing so much philosophy, so much tenderness, so much harmony; in short, so much poetry, both of thought and diction, as the ode entitled "*Intimations of immortality from recollections of childhood*." In our very humble opinion, it is the finest lyric poem in the English language. Mr. Hall did well in giving it the place that he has assigned to it, in his book. It is a poem full of *haunting* lines—of lines ever remembered, and often quoted by those, who know not the source whence they come. It has been said, that the greatest compliment you can pay an author is *to quote him*, and if this be the case, Wordsworth has been more complimented than any of our poets, with the exception of Shakespeare. The Ettrick Shepherd used to say that there were only three books worth looking into for quotations: the Old Testament, Shakespeare's Plays, and Wordsworth's *Excursion*.

But this is no proof of his popularity. Wordsworth is not popular—his writings have had a far greater influence in these days than they are generally supposed to be invested with; but this influence has been almost entirely *latent*; and the superficial observer would scarcely mark the under-current, so silently flowing has been its course. Many, who condemn Wordsworth, the originator, admire and extol his creations at second hand in the writings of others. He has been more pillaged than any poet of the age, and his stolen goods have been more commended. Byron, though he made a laughing stock of the author of the *Excursion*, hesitated not to borrow from him by wholesale. The young poets of the present day are sad marauders of the Wordsworthian treasures, and we have uniformly observed, that they are popular in proportion to the boldness of their depredations.

Mr. Taylor, the author of *Philip Van Arteveldt*, may stand as a fair specimen of these literary pirates, for his success has been in proportion to his dishonesty. We have neither Mr. Taylor's poem nor the *Excursion* at present within our reach; but we can remember two passages of the former, which were especially lauded by one of the most influential of our critical Leviathans, and which are mere transcripts from Wordsworth's great work.

He who lacks time to mourn, lacks time to mend.  
Eternity mourns that;

seems to us, but another way of expressing the moral sentiment in this passage of the *Excursion*.

— There is often found  
In mournful thoughts, and may be always found,  
A power to virtue friendly.

And again,

The world knows nothing of its greatest men

is a mere repetition of

Strongest minds  
Are often those of whom the noisy world  
Hears least.

the lines preceding which Byron has made use of in the " Prophecy of Dante."

Many are poets who have never penned  
Their inspiration; and, perchance, the best.  
Many are poets, but without the name,  
    &c. &c.

We have especially alluded to these passages of *Philip Van Arteveldt*, because they were ridiculously bepuffed and italicized in the *Edinburgh Review*, with about the same degree of discrimination, with that which made a critic in the *Quarterly* point out to, for the reader's especial admiration, this line of Mr. Talfourd's *Ion* :—

" Those are the patient sorrows which touch nearest;"

a line, which is so near akin to one in Ford's *Broken Heart*,

" Those are the silent griefs which cut the heart-strings,"

that we should have thought a critic, with a common share of poetical reading, would have discovered the plagiarism at once. Mr. Talfourd is another of those gentlemen who are so largely indebted to Wordsworth. If that poet had never existed, *Ion* would never have been written, or if written, it would be something totally different from the work which has been called into being. *Philip Van Arteveldt* and *Ion* are both of the Wordsworthian school, and they are infinitely the most popular poems which have made their appearance for several years. This is the nature of Wordsworth's influence in the present day, latent and indirect. Posterity will tell a different tale, though we may not live to hear it.

We have dwelt a long time upon Wordsworth and his writings, but we trust, that we have not wearied the patience of one of our readers. What we have

written, we have written with a whole-heartedness far removed beyond shortcomings and misgivings; and to be in earnest is a charm which beyond all others, rivets the attention of the reader. But we must pass on to others of these gemmed worthies. Whom have we next? Lord Byron.

The illustration is *a dog* by Landseer. We know not whether Mr. Hall intended by this any particular satire on his Lordship. If intended, we duly appreciate it. 'Tis eminently characteristic of the poet and his writings, of the snarling tone of the Byronic philosophy. We sincerely pity the man, who wrote the lines which are appended to this engraving. "The inscription on a Newfoundland dog." They are untrue, malevolent, and self-convicting. The abuse lavished on the world redounds against the author, and the confession at the end is an acknowledgment of unworthiness. *He who never knew a friend never deserved one*, and for such a man a dog is a fitting companion. These lines are our especial aversion. We are ready to acknowledge the unequalled power with which Lord Byron has portrayed human nature in one particular aspect, the aspect in which he beheld it, when he looked into his own dark soul. His range was limited, his philology mistaken, his imagination diseased. He does not elevate, he degrades, he has little sympathy with the pure and the beautiful. He cannot admire, but he can scorn; and he thinks that pride is greatness, the most lamentable of all errors, for pride.

Howe'er disguised in its own majesty,  
Is littleness.

Far nobler is it to love than to hate, to admire than to contemn, to sympathize with than to shun our fellows.

We live by admiration, hope and love,  
And e'en as these are well and wisely fixed  
In dignity of being we ascend.

We need not say that these lines are Wordsworth's, nor point out the severity with which they may be applied to the stern moralist who can speak of humanity in terms so degrading as this:—

Oh! man, thou feeble tenant of an hour,  
Debas'd by slavery or corrupt by power.  
Who knows thee well must quit thee with disgust,  
Degraded mass of animated dust!  
Thy love is lust, thy friendship all a cheat,  
Thy smiles hypocrisy, thy words deceit!  
By nature vile, ennobled but by name,  
Each kindred brute might bid thee blush for shame.  
Ye! who, perchance, behold this simple urn  
Pass on—it honours none you wish to mourn;  
To mark a friend's remains these stones arise,  
I never knew but one, and here he lies.

Now, in our opinion, these lines for rancorous drivel are unsurpassed by any we have ever read. They are slime; and we know not whether we feel more pity or more disgust as we read them. Our own conviction is so opposite to that contained in the second couplet of this extract, that we are always rejoiced to have an opportunity of declaring, that the more we see of mankind the more rooted we become in our optimism. An increase of years, with its attendant increase of experience, only renders our philosophy more cheerful. Perhaps we are more fortunate than others, but almost every day adds a little to our store of love and admiration; and as for friends, we think, it will be a long

time before we betake ourselves to the brute creation. We know too fine a specimen of humanity to be ever driven to such miserable straits.

Southey and Moore follow next : we think the former the greatest writer, now living, and the latter the prettiest rhymester. We shall say nothing of them, but pass on to the next on the list, who is a poet, a true poet, and one of our favorites—Percy Bysshe Shelley. Leigh Hunt has written the prefatory scrap of biography, in his own most generous spirit ; but it would seem that he had not written quite enough for the purpose, as Mr. Hall has appended to these remarks a few sentences of his own, *to make them fit*, we suppose, and in these few sentences he has contrived, with most praiseworthy candour, to neutralize all Hunt's generosity. Now we are at issue on this point with Mr. Hall. We remember two or three years ago, (the gentleman was then editor of the *New Monthly Magazine*) that in the periodical just named, it was with reference to a forgotten work of our own, he spoke of Shelley "as one of the most brilliant but most hollow-hearted of created beings." Now, if there be any one word in the English language less descriptive of Shelley's heart than all others, it is certainly that word *hollow*. He was a remarkably *full-hearted* man : from the very fullness of his heart proceeded all his errors ; he was mistaken but he was certainly sincere. Leigh Hunt, in his prefatory observations, remarks that "whether his (Shelley's) speculations were well or ill grounded *he is acknowledged on all hands to have been sincere* in the pursuit of them, and that his friends entertain the sincerest regard for his memory." It is very evident that Leigh Hunt knew little of the man whom he was writing for, and that he little bargained for the editor's appendix, when these lines were penned, he could little have thought that Mr. Samuel Caster Hall would insert in his piece of joinery such a neutralizing passage as the following. "The dangerous tendency of Shelley's writings, his mistakes theoretical and practical, in some instances acknowledged by himself, will not find from others the excuse they have found from those, who had personal regard for the man as well as admiration for the poet. Shelley *may have been*, as it is contended he was, sincere in his schemes for remodelling society ; but his doctrines are not therefore the less pernicious." See what infinite pains the editor takes to falsify Leigh Hunt's words. Mr. Hunt says "it is acknowledged on *all hands* that Shelley was sincere," but Mr. Hall, for whom he is writing, will acknowledge nothing of the kind. "He *may have been* sincere," says this generous editor, "in his schemes for remodelling society." We should very much like to know what interested motives he could have had, seeing that his birth, his talents, and his fortune might have placed him, had it so pleased him, in the very highest ranks of the society he wished to remodel. If Rothschild had advocated a communion of property he would surely have been acknowledged sincere. Mr. Owen of Lanark is sincere ; if he were a poor man, people might doubt the fact, but as he is wealthy, it is past dispute. Mr. Shelley was born an aristocrat ; if he had sprung from the dregs of the people, then Mr. Hall might have doubted his sincerity.

We are neither disposed to quarrel with, nor to commend, the editor for the selections he has made from Shelley. He seems to have gone upon his neutralizing system ; having introduced us to one of the worst and one of the best of Shelley's minor pieces. Perhaps this is but fair, as the duty of a selector should be to present the reader with such specimens of a poet, as may give the best idea to a stranger of the general qualities of that poet's muse, both as to its beauties and its defects. Mr. Hall, in the present instance at least, has done this most conscientiously, he has given us "The Cloud," which exhibits the peculiar vices of Shelley's genius, obscurity and extravagance, more glaringly than any poem we know. Beauties it has of rhythm and diction assuredly, but it is a most bewildering poem, as far removed from the sphere of human sympathy, as poetry possibly can be. We never in our life read a poem so overlaid with discordant metaphors. Let us take two stanzas as specimens of the incongruous images which a wildly exuberant fancy will conjure up in relation to

the self-same object. The cloud is supposed to be the speaker, as is the Νεφέλαι of Aristophanes.

The sanguine sunrise, with his meteor eyes,  
And his burning plumes outspread,  
Leaps on *the back of my sailing rack*,  
When the morning-star shines dead.  
As on the jag of a mountain crag,  
Which an earthquake rocks and swings,  
An eagle alit, one moment may sit,  
In the light of its golden wings ;  
And when sunset may breathe, from the lit sea beneath  
Its ardours of rest and of love,  
And the crimson pall of eve may fall  
From the depth of Heaven above,  
*With wings folded I rest on my airy nest,*  
As still as a brooding dove.

That orb'd maiden, with white fire laden,  
Whom mortals call my the moon,  
Glides glimmering o'er my *fleeces-like floor*,  
By the mid-night breezes strown ;  
And wherever the beat of her unseen feet,  
Which only the angels hear,  
May have broken the woof of my *tent's thin roof*.  
The stars peep behind her and peer :  
And I *laugh to see them whirl and flee*  
Like a swarm of golden bees,  
When I widen the rent in my *wind-built tent*,  
Till the calm rivers, lakes and seas,  
Like strips of the sky fallen through me on high,  
Are each paved with the moon and these.

Now, in these two stanzas, first of all the cloud is a " sailing rack," and what a " sailing rack" may be we have taxed our ingenuity in vain to discover; then it is evidently a *bird* for it has " wings" and a " nest;" then it is something or other with " a floor," which subsequently we find to be " a tent;" then it is a creature that can " laugh," and then again it is a " tent." Now, we must say, that all these metaphors give us a very vague notion of a cloud, and we are old-fash oned enough to entertain an opinion that metaphors have no business in poetry except for purposes of illustration, and that they are decidedly intended to assist, and not to bewilder, the comprehension of the reader.

But the ode " to a Sky-lark" is truly delicious; it is one of the most exquisite of Shelley's creations. It is full of imagery, but the images do not distract us. Each simile is kept distinct, and each complete in itself. We have not here a gorgeous, unmeaning, metaphorical mass, made, as it were, from a number of gems all ground together in a mill, but a string of jewels each more glittering than the last, undetached but yet unconfused. If our article had not already extended to such a length we would quote the whole of this exquisite poem, as it is, we can only give a portion of it. But go to the book reader—go to the Book of Gems—the " Sky-lark" and the " Intimations of immortality," are alone worth the value of the book. They are *gems beyond all price*.

All the earth and air  
With thy voice is loud,  
As when night is bare.  
From one lonely cloud  
The moon rains out her beams, and heaven is overflowed.

What thou art, we know not ;  
What is most like thee ?  
From rainbow clouds there flow not  
Drops so bright to see,  
As from thy presence showers a rain of melody.

Like a poet hidden  
In the light of thought,  
Singing hymns unbidden,  
Till the world is wrought  
To sympathy with hopes, and fears it heeded not.

Like a high-born maiden  
In a palace tower  
Soothing her love-laden  
Soul in secret hour  
With music sweet as love, that overflows her bower.

• • • • •

We look before and after,  
And pine for what is not ;  
Our sincerest laughter  
With some pain is fraught.  
Our sweetest songs are those, that tell of saddest thought.

Yet, if we could scorn,  
Hate and pride and fear ;  
If we were things born  
Not to shed a tear,  
I know not how thy joy we ever could come near.

Better than all measures  
Of delightful sound,  
Better than all treasures,  
That in books are found,  
Thy skill to poet were, thou scorner of the ground.

Teach me half the gladness  
That thy brain must know,  
Such harmonious madness  
From my lips would flow,  
The world should listen then, as I am listening now.

And is not this "harmonious madness?" Is not this "clear joyance?" Many have been the "odes to a Sky-lark;" but was there ever one in the least like this? No one but Shelley could have written it. It has not a feature in it that resembles the poetry of any other bard. It is all original: a beautiful emanation from one of the most wonderful individual minds, that ever shed a lustre upon the earth. How joyously does image after image seem to float up into the clear hyaline like the liquid notes of the blythe creature they describe. How free, how gushing, how spontaneous is each verse—the poet's strains are poured forth with as little art as those of the mounting sky-lark, and with full as much animal enjoyment.

We have never heard,  
Praise of love or wine  
That panted forth a flood of rapture so divine.

The selections from Coleridge, who stands next on the list, are not badly chosen; but we object *in toto* to the system upon which all the selections have been made. The editor says in his preface, that "he has taken complete poems, though short, in preference to detached passages from more extensive works." Mr. Hall terms his volume "A Book of Gems," and, therefore, we

consider, that he is bound to give us the finest passages he can meet with in the authors, who have a place in his list. This, to be sure, would have given him a vast deal more trouble, and is objectionable upon that score, although upon no other. There are always passages to be found in every lengthened work, which are perfectly complete, when separated from their context. We believe that it is Mr. Hall's intention to publish a fourth volume of his book, which is to contain only *Dramatic Gems*; in that work he will be obliged to give extracts; and, for that purpose, he will be obliged to read immensely, if he trusts to his own labours alone. We would recommend him to call in Payne Collier or Alexander Dyce, to his assistance. The latter is now preparing an edition of Middleton, which, we think, will be one of the finest specimens of *editorship* ever issued from the press.

Mr. Leigh Hunt has written the prefatory notice appended to the extracts from Keats's works. And honestly we think, it would have been impossible, utterly impossible, to have done it better. It is quite a biographical gem. Fortunately, Mr. Hall has not contrived to botch it; it is Leigh Hunt's to the last sentence which, happening, to contain a beautifully comprehensive scrap of criticism, we shall forthwith transfer to our pages. "Of our lately deceased poets, if you want imaginative satire or bitter wailing, you must go to the writings of Lord Byron; if a thoughtful dulcet and wild dreaminess, you must go to Coleridge; if a startling appeal to the first elements of your nature and sympathies, (most musical also) to Shelley; if a thorough enjoyment of the beautiful, for beauty's sake, like a walk on a summer's noon in a land of woods and meadows, you must embower yourself in the luxuries of Keats." Whole volumes of criticism could not have individualized more distinctly these four great poets.

Now, this is a book, on which we might write for ever; but we must bring ourselves speedily to a conclusion; but, before we do this, as honest critics, we must record our opinion, that on the whole the selections are not good, at least not to our taste. There are forty poets quoted, amongst whom will be found Charles Dibdin and Tom Bayly, and Tom Hood: we think that from the unquoted ones many might have been selected much more worthy of a place in the *Book of Gems*, at all events, than these two Toms; to whose *prænomina* we were almost on the point of attaching an *old family name*. *Arctades ambo, et cantare pares*. But why are not Motherwell, and Browning, and Sheridan Knowles, and Alford, and Miss Bowles, to be found in the *Book of Gems*? Surely, they write better verses than Haynes Bayley and Caroline Norton. And Robert Montgomery, much as he has been abused, ought to have had a niche in the book; and Edwin Atherstone might have been there without disgracing his company.

The illustrations are forty-three in number and all beautiful, all gems—Collins's, and Martin's (how very strange their names sound together, for they are the very antipodes of landscape painters) and Reinagle's, are our favorites; there is also a church-yard scene by Creswick, which reminds us of Grey's church-yard, and re-calls to our recollection the time; but we must not indulge our egotistical propensities. There is a fine engraving too in the book, from Maclise's painting of Young Salvator and the picture-dealer, which we remember having seen a little time ago, we think, in the British Institution. Now, it is very clear, that these engravings might find us in pretty enough gossip until we had exhausted another quire of paper, and with it, the reader's patience. But, we must pause. The engravings are far superior, as a whole, to those in the volume of last year, which is now lying on the table before us. In that book there is *one* picture, which is worth any price, it is a full-length portrait of a lady, sitting in a chair, with her foot on a cushion; such a lady and such a foot, it reminds us of —; but we have finished our article, and thrown aside the *BOOK OF GEMS*.

## ACCOUNT OF THE INSURRECTION AT TAVOY AND MERGUI, IN 1829.

*Moulmein, 30th August, 1829.*

TO GEORGE SWINTON, ESQUIRE,

*Chief Secretary to the Government, Fort William.*

SIR,—To anticipate any exaggerated accounts that may have been sent to Calcutta *via* Rangoon, respecting an insurrection which occurred at Tavoy in the beginning of this month; but which has now been completely and satisfactorily quelled; I have deemed it my duty to take up a small vessel, in order to convey to you the present report of the whole matter.

It is already known to Government, that at the time the Civil Commissioner, Mr. Maingy, was summoned on public duty to Calcutta in June last, he placed Tavoy in temporary civil charge of Mr. Assistant Surgeon Maule, and removed me to Moulmein; where he considered my presence would be most useful during his absence. I made it my duty, however, in the beginning of July, to pay a visit to both Mergui and Tavoy, and to hold a jail delivery at each of those places; and in the beginning of the present month, upon learning by a private letter from Mr. Maule that some rumour prevailed at Tavoy of the convicts confined in the jail there meditating an escape, I thought it my duty, notwithstanding the weather was most unfavorable, to embark again in the H.C.'s steam vessel *Diana*, and go down to Tavoy.

Most providential shall I ever consider it that I did come to such a resolution, for upon my arrival near the town of Tavoy at 9 A.M. of the 13th instant, I found the whole of the troops and Europeans, with the Chinese, Malays, and Moormen and their families, gathered in a crowd upon the wharf. Upon landing, the first accounts which I received of the state of affairs were most discouraging. I heard, that at 3 o'clock in the morning of the 9th, a large party of two or three thousand Burmese had attacked the magazine guard of one naick and six sepoy in order to obtain possession of the ammunition, but had been fortunately repulsed; that another party of one or two hundred men had burst into the jail and released the whole of the ninety prisoners confined there; that the whole of the inhabitants of the town had, on the first alarm, fled out of it; that the Burmese native officers of Government had deserted Mr. Maule; that a party of conspirators, headed by the former Ye-woon, and pensioner of our Government, Mo-ungda, had planned the revolt in order to restore the country to the Burmese Government, and that this party had entered the town and occupied it, as soon as the commanding officer of our troops had deemed it judicious to retire and take up a post at the wharf. I found Captain Cuxton, the officer commanding the troops, in a most deplorable state of health. He had but lately arrived at Tavoy, and was quite unprepared to determine whom he should trust or whom distrust. One of his subaltern officers, Lieutenant Shepherd, and two of his native officers were absent on a Court-Martial at Mergui. His detachment consisted of only 120 men fit for duty, and they appeared to be losing their strength and confidence. When I was told also, that a great portion of the town of Tavoy was burnt, and that some of those native officers of Government, even whom I had considered as bound to me by personal obligations, were in command of the guns immediately in front of the wharf, I own, for a short time, I was of opinion that all was lost, and that the best course would be, to remove the troops and party collected on the wharf to Goodridge's plains,



and await there the arrival of a reinforcement from Moulmein. I wrote a hasty letter to Brigadier Vigoureux, reporting our situation, and I drafted an address to the inhabitants of Tavoy, in which I proclaimed martial law.\*

Upon further enquiry and investigation, however, among the Chinese, Malays and Moorish inhabitants of Tavoy, who had retired with the troops to the wharf, I became satisfied that the inhabitants of the town had fled, from a belief that a body of 120 sepoys must be overpowered by the conspirators, and that it would be unable to afford them protection. I ascertained that the conspirators were devoid of all plan and resources; that their having failed to get possession of the magazine had totally disconcerted them; that those who had joined them subsequently to the troops retiring from the town, had done so from intimidation, and that the revolt was by no means general, but confined to a set of persons who had possessed power under the Burmese Government, and being dissatisfied with the loss of that power and influence under our Government, had twice before, in the years 1825 and 1826, planned a similar plot to get rid of our rule. Having ascertained these facts, and being assured from personal knowledge that the inhabitants of Tavoy are, as a race, eminently unwarlike, and that Moungha and his principal adherents were men of the most pusillanimous character, I proposed to the commanding officer, Captain Cuxton, not to remain where he was, but to advance on the insurgents and act on the offensive. I pointed out to him, that a disciplined force remaining as his did, on the defensive, gave up almost all the advantages it possessed over a set of barbarians. I expressed my conviction that Moungha and his party would never stand to receive our attack, and I recommended it should be made, whilst the arrival of the steam vessel and of myself had excited some sensation in the town. But Captain Cuxton and his officers, very naturally, entertained a higher opinion of the insurrectionary force, and less confidence in our means than what I did. I despatched the steam vessel therefore to Moulmein under charge of Mr. Corbyn, the Master Attendant of Amherst, with my letter to Brigadier Vigoureux; but I revised the draft of my proclamation and expunged the part proclaiming martial law.

I told Captain Cuxton that I should waive my superior military rank in his favor, as himself and his officers and sepoys belonged to another presidency, and were little acquainted with me; but that I would not forego my military character, but take my full share of responsibility in assisting and advising him in every operation which was to be undertaken. I hope Government will approve of the course which I adopted. It was calculated to give satisfaction to both Captain Cuxton and his sepoys.†

My first measure was to put Mr. Lindquist, the Commander of the Hon'ble Company's steam vessel *Diana*, and four of his lascars under Captain Cuxton, and to call upon the Chinese and Malays to assist them in throwing up a breast-work in front of the wharf, in dividing the ammunition into two portions, in case of accident, one portion being placed on board a vessel afloat, and in conveying to the wharf a supply of rice from the granary, which it was most fortunate the insurgents had not burnt in an attack that they had made on our party on the morning of the 13th. I made it a point also to obtain from the Chinese junks some salt-fish, oil, sugar, and tamarinds for the sepoys, in addition to the dry rice which was before served out to them; and I called together the native Christians, inhabitants of the town, who had retired with the troops to the wharf, to assist us in manning another 6-pounder gun. To inspire more confidence in some of our party I shewed them in

\* Whilst Major Burney was hearing from Captain Cuxton and Mr. Maule an account of all that had passed, the whole of the pickets and sentries outside fell back upon the party on the wharf in a state of the utmost disorder and confusion, owing to a false alarm that the Burmese were coming down to attack. Major B. cried out, "Captain Cuxton this will never do—twenty bold men will drive us all into the river. If the sepoys cannot keep their ground better, we must retire to Goodridge's plain." This speech was afterwards recollected, and Major B. was charged with having proposed to retreat to Goodridge's plain.

† At this period Government had not issued the rule, that Military Officers holding a Civil situation cannot claim or exercise the right of command as senior officers, by virtue of their commissions.

a work which I had with me, the account of the defence of Mergui, under the French, in 1689, by a party of 54 soldiers against 12,000 Siamese, for upwards of six weeks.

On the 14th I prepared two copies of my revised proclamation, calling upon the inhabitants of Tavoy to return to their duty, and pointing out to them the folly of trusting to the representations of such a notorious traitor as Mounгда, and what little chance they possessed of coping with a power, which the King of Ava and his whole empire had been unable to resist. A sepoy of the 19th Madras Regt. volunteered for a reward of 100 rupees, which I offered, to go under cover of our guns and plant this proclamation close to the gate of the town. When I saw the paper taken into the town, I recommended Captain Cuxton to batter the town with two 6-pounders, and let the insurgents see that we did not intend to be idle. On the 15th the Chinese reported to me, that during the night they had seen from their junks a vast number of the inhabitants flying to the southward out of the town.\* In the same morning Captain Cuxton agreed to make a sortie from our breast-work, and endeavour to reconnoitre the inside of the town, and destroy the defences which the insurgents had prepared on the walls in front of the wharf. I arranged that two large parties of Chinese who had volunteered to join us in the sortie should make a demonstration on the extreme right and left of the wall, in order not only to distract the attention of the insurgents, but give us timely notice, should any force of their's attempt to interpose itself between the storming party and the breast-work. This attack on the wall was most successful; and Che Esing's party of Chinese converted their false attack into a real one, having taken possession of the dead gate. It was my wish to have advanced into the town the moment I saw that the gallant fellows who served the 6-pounder, had burst open the gate, but the men appeared to be fatigued, and fearing we might be drawn into an ambuscade, whilst they were in this condition, I recommended Captain Cuxton, to return to our breast-work, making the Malays and Chinese who were with us, convey to the wharf the jinjals and guns of which we took possession. The Chinese appeared much distressed at my not having advanced into the town and secured the families of some of them, who had been seized by Mounгда, and who were said to be in confinement in our jail; but who, the Chinese believed, would be massacred now that they had given such an unequivocal proof of their attachment to us, and hostility to Mounгда.

When our party had recruited its strength, I recommended Captain Cuxton to try a second attack, selecting for it those sepoys principally who had before remained to protect our breast-work. I arranged, that a strong party of Chinese and Malays should assist the store-lascars to drag the 6-pounder. This attack was also most successful. Mounгда was little prepared for our assaulting him a second time on that day, and the moment our gun again nobly served, had enabled us to enter the town, the insurgents fled in every direction before us, and happily, with them escaped all who were in confinement. I made the Chinese carry off to the rear, the whole of the jinjals which the insurgents had mounted inside of the town, and thus deprived them of every means of offence and defence. It was fortunate that we attacked the insurgents so soon again, as they had begun to throw up some works around the Court House. On the morning of the 16th, hearing that the insurgents had dispersed in every direction, I recommended Captain Cuxton to re-occupy the town, leaving a strong guard in charge of the breast-work at the wharf, should circumstances oblige us to retire there again.

The moment I entered the town the inhabitants began to return and re-join me. The position which Captain Cuxton had so judiciously taken up at the wharf, was excellent as far as ourselves were concerned, but it was unfortunate for the peaceable and well-disposed part of the Burmese inhabitants, who had, in the first instance, fled from the town, believing that our little party of sepoys must be overpowered, and who afterwards, upon seeing us retire to the wharf and Mounгда in actual occupation of the town, were satisfied

\* One of the prisoners afterwards declared on his trial, that the intelligence of Major Burney's arrival had upset the town, and determined the inhabitants to desert Mounгда as soon as possible.

that his party was victorious, and that their most safe and prudent course was to submit to him. But as soon as they saw us re-occupy the town, they flocked back to it, and an extraordinary re-action took place in our favour. The villagers came in and offered to seize Mounгда and his principal adherents, and when one of them brought me information of the place where Mounгда was secreted, about an hour's journey from the town, I pressed Captain Cuxton to allow a native in my employ (a havildar's guard) to go and apprehend him, immediately and whilst Mounгда was supposing that we should rest contented that day with the re-occupation of the town. I had before offered a reward of 5,000 rupees to any one who would bring Mounгда to me. The havildar's guard came suddenly to the spot where Mounгда and his brother with their families and principal adherents were lying concealed, and apprehended the whole of them and brought them into the town. I immediately held a special Deputy Commissioner's Court and tried Mounгда and six of his principal adherents, and having found them guilty of revolt and taking up arms against the British Government, I sentenced them to death. Under ordinary circumstances the sentences passed by me, are not carried into execution until confirmed by the Civil Commissioner, but acting as I am at present for that officer, who is absent from this coast, and fearing that some attempt at rescuing the prisoners might be made, I conceived the public peace and safety required my exercising the power vested in him, and I therefore directed my sentence to be immediately carried into execution.

Mounгда, his brother and five other persons, were hung on the night of the 16th, and on the following day, I tried, and having sentenced to death five more persons, who had been most active in the rebellion, I had them also executed, I beg to enclose a copy of my proceedings at these trials.

The moment I had thus executed Mounгда and the principal rebels, the inhabitants recovered their confidence in us, and all began to return to the former state of peace and tranquillity. The inhabitants became most anxious to remove the very unfavorable impression which their defection in the first instance had excited in our minds, and they have been most active in seizing and bringing in all who had rendered themselves conspicuous in their attachment to Mounгда. I have between thirty and forty prisoners whom I propose to reserve for the Civil Commissioner to try, as I am anxious that Government should have an opportunity of possessing, through a strict and impartial investigation to be made by that officer, a corroboration of my report of the nature and causes, and objects of the present insurrection. It will be seen by the enclosed proceedings of the trial of Mounгда, that the cause which he declared to have excited the revolt, was generally our revenue arrangements; but the principal rebels paid little or no revenue to Government; they were men of notoriously seditious characters, having most of them planned a similar revolt on two former occasions, before the present revenue arrangements had even existence; and it is an undoubted fact, that Mounгда during his short rule of seven days, collected more revenue by arbitrary exactions than what was ever done by me in three months. The chance which the weak garrison held out to a set of turbulent and seditious characters to recover the power and influence which they had exercised under the Burmese Government, appears to me to have been the leading motive to this revolt.

The native history of Tavoy is replete with such instances of treason, and the character of the Tavoyers for treachery is proverbial throughout Burmah. Mounгда was the very person, Government may be aware, who betrayed Tavoy to our force in 1824. It will be seen from the trials and from the accompanying copies of two letters addressed to the Court of Ava and to the Chief Oojenah, that the conspirators looked to those sources for encouragement, and aid in their projects.

I had recommended a detachment of three companies of sepoys and a detail of European artillery for the garrison of Tavoy. Superior authorities having determined, that two companies should be tried, the Civil Commissioner and I acquiesced, although I know both he and I always deprecated the removal of the European artillery from Tavoy. Our experience of these small out-posts to the eastward taught us to consider the junction with sepoys of a few European

artillery-men as most indispensable. But, it was objected, that the discipline of the Europeans would be deteriorated at such an out-post, an objection which might have been easily obviated, by taking care that the detail at Tavoy was relieved once a quarter or half year. I am bound to say, that if there had been at Tavoy a detail of European artillery-men, the present insurrection would never have succeeded so far as it did, and, in truth, it has been now quelled, in my opinion, mainly by the assistance of the few Europeans who volunteered to man our guns.

It is no more than gratitude then in me to submit to the most favorable consideration of the Governor General in Council, the admirable conduct of Sub-Conductor Corley, Staff Serjeant Richardson, and Sub-assistant Surgeon Bedford, throughout the operations, which I witnessed. The cool intrepidity and animated and zealous exertions with which they served the 6-pounder, delighted all who saw them on our side, and gave the sepoys the strongest encouragement.

I am anxious also to bring to the especial notice of Government the conduct of Mr. Lindquist, the commander of the Hon'ble Company's steam vessel *Diana*, who was not only our Superintendent of Marine, but Engineer and Pioneer, and who, on every occasion, displayed such energy, ardour, gallantry, and resources, as won general respect and admiration.

I beg leave to enclose a copy, with which he has kindly favored me, of Captain Cuxton's official report of the military operations. I trust Government will appreciate duly the difficult and novel situation in which that officer was suddenly thrown, labouring under sickness which appeared every hour to be about to terminate his existence, and the energetic and gallant manner in which he extricated himself out of it, assisted by his two very promising young officers Lieutenant Kennedy and Ensign Young.

The sepoys conducted themselves during both attacks with admirable steadiness, preserving their ranks and order, and obeying their officers in the most praiseworthy manner; and I am also bound to state, that after we re-occupied the town, the sepoys attended implicitly to our injunctions against plundering any of the houses or inhabitants. The conduct of the small guard of sepoys at the magazine must attract the highest approbation of Government.\*

Mr. Dromgoole, an European settler at Tavoy, joined Captain Cuxton on the first day, and afforded us very valuable assistance.

I hope the Governor-General in Council will also allow me to bring to his favorable notice the conduct of my Chinese friends. Before my arrival, some of them had been treated rather harshly, in consequence of our officer's not knowing them sufficiently; but they bore this treatment with great forbearance, and upon my joining them, they afforded me the most zealous and cheerful and efficient aid, although some of their wives and children had been seized by Moungda as hostages for their neutrality. I hope some token of the approbation of Government may be granted to the principal men of these Chinese, to Gho-mok, Che Fsing, Che Tau, and Che Seong.

On the morning of the 19th instant, through the able and zealous exertions of Mr. Corbyn, the *Diana* steam vessel returned to Tavoy with the re-inforcement of 100 Europeans, which Brigadier Vigoureux forwarded under the command of Colonel Kelly. Before its arrival every thing had been restored to the former state of tranquillity; and requesting Colonel Kelly therefore to superintend the civil details, I deemed it judicious to return to Moulmein for two or three days, in order to communicate with Brigadier Vigoureux, and enable all parties in this quarter, particularly the Burmese in Oojenah's Camp, to receive early intelligence that the insurrection at Tavoy had been completely quelled.

I have recommended Brigadier Vigoureux to relieve the European force which he has sent to Tavoy by another company of sepoys, and to place as the future garrison of Tavoy the force which I had before suggested, viz. three companies of sepoys and a detail of European artillery.

\* Some invidious attempt was afterwards made to deprive the sepoys of this magazine-guard of all credit, but that they did resist the sudden attack of two or three hundred men in a proper manner may surely be inferred from these facts. One of the sepoys was killed at his post. The leader of the rebels, Taingda, a bold and desperate character, was wounded in the groin by a musket-ball and rendered *hors de combat*, and none of the guns or powder could be carried off before the re-inforcements arrived.

I propose to return immediately to Tavoy in the *Diana*, the services of which vessel, during the present important juncture, have proved most valuable indeed.

I am happy to say, that none of the houses in the town have been burnt, and that Moungha's rule was not sanguinary, as he appears to have put only two Chinese to death.

As might have been expected, however, from the number of prisoners who escaped from the jail, the houses of the European officers and all who joined us, were plundered and rifled in the most barbarous manner. They have lost much property, but I am happy to say Government has lost little. For myself, I have to regret the total destruction of my valuable library, a great portion of my manuscripts, and furniture and wearing apparel. Yet it is some consolation to me to know that the insurgents never shewed or expressed any feelings of personal dislike or vengeance against me, and I am too much absorbed in gratitude for my family (whom I had left at Tavoy,) being saved to think of any other loss.

I am under most important obligations to the Reverend Mr. Boardman,\* an American Missionary, resident at Tavoy, who consented to remain with me and afford me the valuable aid of his knowledge of the Burmese language and other mental acquirements, in the conduct of the difficult and responsible duty which fell upon me, of investigating and discriminating the extent and nature of the insurrection, and the guilt of the different persons whom we apprehended.

The native, Mahomed Suffie,† to whom Government lately granted a donation of 5,000 rupees for his services during the Burmese war, attached himself to us, and rendered himself eminently useful to me, by his acuteness and intelligence, and particularly, by his intimate acquaintance with the characters of the principal rebels, and of the Tavoyers in general. It was he who accompanied the guard which apprehended Moungha and his party.

My return to Moulmein has been productive of considerable advantage in checking the insolent behaviour of the Burmese at Martaban, who had before, upon hearing of the revolt at Tavoy, openly expressed great satisfaction, and shown a disposition to give trouble, and alarm our native population.

I have just received intelligence that the arrangement which I had made at Tavoy for intercepting Moungha and the messengers who were proceeding from Moungha towards Ava and Oojenah's Camp, has been attended with success. They were apprehended near Ye, and are now on their way back to Tavoy. I may therefore congratulate myself upon having secured the person of every individual who took a distinguished part in the late revolt at Tavoy.

I have, &c.

(Signed) H. BURNEY,

*Deputy Commissioner in the Tenasserim Provinces.*

Major Burney, afterwards, in a letter to the secretary to Government, under date 13th March, 1830, gave the following reasons for having returned to Moulmein immediately after quelling the revolt at Tavoy, instead of proceeding to Mergui, and ascertaining that all was quiet there. Had he, however, gone to Mergui, he would have arrived there just in time to meet in the mouth of the harbour, and tow back the boats containing the unfortunate officers and garrison who had quitted Mergui town on the night of the 21st August.

13. The Commissioner, upon leaving this coast for Calcutta, had brought me up to Moulmein as my procer post during his absence. In the beginning of July, a large force and fleet of boats came down from Oojina's camp (at Bileng) to Martaban, and passed close to our cantonments in so insulting a manner, as to induce me to send Lieut. Leslie over to the Chief at Martaban. I knew that a very small portion of the population of Mergui consisted of regular Burmese, and that this portion had not the means or spirit to rise against our garrison, supported, as it would be, by the larger number of the native Christian, Chinese,

\* This good Christian and most worthy man died at Tavoy in 1830.

† Now the Tsitke or head native officer at Tavoy.

**Mahometan and Malay-inhabitants, Capt. —** himself represents that he had no apprehension of any thing which the people of Mergui of themselves could have done ; and he had reason for despising them, as he knew, judging from some answers which he was writing about this very time to certain queries put by the Commissioner to his different assistants, that “ the whole province of Mergui could not muster above two dozen muskets.”

14. When therefore the Hon'ble Company's steam vessel *Diana* came in to Tavoy with the reinforcements on the 19th of August, recollecting the large force which had been before brought down to Martaban, and hearing that a strong sensation had been manifested there upon the first intelligence of the revolt at Tavoy, and learning also, that expresses had been sent *via* Rangoon to Calcutta, conveying the first exaggerated accounts of the state of affairs at Tavoy, I very naturally felt anxious to be, at what I conceived the more important post, Moulmein, and to communicate to Brigadier Vigoureux, as well as to transmit to Calcutta early intelligence of the real state of affairs. I had, of course, no apprehensions whatever for the safety of Moulmein, but I was satisfied that if the folly or madness of Oojena led him to make an attack, the lives and property of our crowded native population in Moulmein would suffer much, before the troops could crush the enemy. Whilst the *Diana* steam vessel was getting ready for sea again at Tavoy, a native boat came in from the immediate vicinity of Mergui and reported that all was quiet at that place down to a late date. This intelligence decided my movements, and despatching therefore (in the south-west monsoon small native boats can navigate between Tavoy and Mergui but not between Tavoy and Moulmein) a fast sailing Malay boat with letters to Capt. — at Mergui, I left Tavoy on the afternoon of the 21st Augt. and came up here (Moulmein) when I learnt that the inhabitants of Martaban had been for some days most insolent and abusive to our guard-boats, and that they had actually fired upon one gun-boat on the very morning of the day of my arrival. Our gun-boat at Myain (up the Salween) was attacked about the same time, and it has since been ascertained also by Capt. Rawlinson, that the Talian chief, Oojena, had sent an express to the Rangoon Woongyee, reporting the state of affairs at Tavoy and applying for authority to make an attack upon Moulmein.

15. If our officers at Mergui had delayed their departure for six hours, my letter by the Malay boat would have reached them.

## TO THE DEPUTY ADJUTANT-GENERAL,

*Ceded Provinces, Moulmein.*

SIR,—I have now the honor to detail for the information of the Brigadier-General the particulars of an insurrection, which broke out among the inhabitants of Tavoy, but which has now been completely suppressed.

About the latter end of last month having heard some rumour of an intention on the part of the convicts confined in the jail to endeavour to effect their escape from imprisonment I deemed it expedient, in communication with the officer in temporary civil charge of the station, Mr. Assistant-Surgeon Maule, to order the military guard there to keep on duty with its arms loaded.

I had been suffering for some weeks past from a very severe attack of liver, and had not left my house for a fortnight previous to the 9th instant. Early on that morning between 4 and 5 o'clock I was informed, that a large party of the inhabitants had attacked the jail and assisted by the very peons of the jail, had liberated the whole of the convicts confined there, and that a large party of Burmese was engaged at that time in attacking the small guard of one naick and six sepoy at the magazine, of which the assailants were attempting to get possession. Of course I beat to arms immediately and collected our little force of two companies at the barracks, and sent the officer-of-the-day with a party in aid of the guard at the magazine. Before my arrival at the barracks a few men had been sent to re-inforce the magazine guard. It is my bounden duty here to bring under the notice of my superiors in as strong terms as language will admit of, the gallant and heroic defence which the magazine guard made until it received the support with which the assailants, were beat off. Had the insurgents succeeded in obtaining possession of our magazine, there is every probability the whole of the

Europeans and troops would have been destroyed. Mooniapay Naick of the Light Company of the 19th Regt. was in command of the magazine-guard.

When the day broke, I found, that the whole of the inhabitants of the town were flying outside of the gates, and that not one of the Burmese officers of Government had joined the officer in civil charge. My own recent arrival and necessary limited local experience obliged me to refer for some positive intelligence to the officer in civil charge, but he was deserted by all the public native servants and the inhabitants, and was unable even to open a communication with those who had taken up arms against us, and I found that we had no means of ascertaining either the nature or objects of the insurrection, or the points at which the insurgents were concentrating themselves. In fact, they appeared to be collecting in every direction around us, outside of the town, and their aim was manifestly to cut off the whole of the troops. I had sent a party of sepoy to apprehend the principal native officer of Government, Moung Shogean, but he had absconded. In this conjuncture I thought it right to consult with my own officers and with the officer in civil charge, as to the steps we should adopt. It appeared for the reasons which are detached in the order of which I enclose a copy, No. 1, that our most expedient course would be to take up a post on the wharf by the side of the river, the communication by which we might always command, and I made arrangements therefore at 2 P.M. of the 9th to remove to the wharf the whole of the civil treasury, the military chest, four 6-pounders, and as much ammunition as possible, destroying the small quantity which we found it difficult to transport. In the operation, the Chinese, who had joined our party for protection afforded aid to the store-lascars.

On our arrival at the wharf, Sub-Conductor Corly, Staff Serjeant Richardson, Sub-Assistant Surgeon Bedford, and Mr. Drumgoole, a European settler, volunteered their services to man one of our 6-pounders. On the morning of the 10th I found the gates of the town closed, and heard that the insurgents had entered the town in considerable force; but our position enabled us to avail ourselves of the services of the Chinese and to man an armed boat, and despatch it with a report of our situation to Moulmein. The whole of the Chincheew race of Chinese took possession of their junks, and having launched them, placed them under the protection of our guns.

On the 11th we succeeded in obtaining the services of several Malays and Moormen to man another despatch boat, which we forwarded with letters to Mergui. The insurgents appeared to be mounting some guns and jinjals upon the wall and gate-way in front of the wharf, and during that day and the 12th they occasionally fired upon our position, but were always driven off the wall by the fire which we returned.

On the morning of the 13th, about 3 o'clock, the insurgents issued from the town in a large body and surrounding the whole front of our position, repeatedly set fire to the houses adjoining it, as well as to a junk lying near us. But the fire from our gun and sepoy, at length beat off the whole of the insurgents, and forced them to retire into the town, apparently with a considerable loss.

At 9 o'clock A.M. of this day we had the pleasure of seeing the H.C.'s steam vessel *Diana* join us with Major Burney, the Deputy Commissioner, who, however, was unaware of our situation, until he approached close to the wharf. The Deputy Commissioner immediately placed under my orders Mr. Lindquist the commander of the *Diana*, and a small party of lascars of that vessel, and we employed them immediately in throwing up a breast-work in front of our position, and in assisting to remove a portion of our ammunition on board one of the vessels afloat, and to collect some grain upon the wharf. Under Mr. Lindquist was at the same time placed all the vessels afloat. Towards the evening of this day the insurgents fired upon the steam vessel from the walls, and at 9 o'clock she was despatched to Moulmein, under Mr. Corbyn, the Master Attendant of Amheist, with a report of our situation.

The arrival of the steam vessel at this juncture was most fortunate, for we discovered that neither of the despatch boats, which we had previously forwarded with letters to Moulmein and Mergui, could get out of the river in consequence of the badness of the weather. The arrival of the Deputy Commissioner also was most fortunate, as his presence gave confidence to the Chinese, native

Portuguese, Malay and Mahometan inhabitants of the town with us, and induced them to afford us much more zealous and active assistance than before, and his superior local information, which he most cheerfully and frankly granted to me, enabled me to form a judgment as to the best course next to be adopted by the troops.

On the 14th, a sepoy of the detachment proceeded close to the walls of the town and placed there two copies of a proclamation addressed by the Deputy Commissioner to the inhabitants, calling upon them to return to their duty, and acquainting them with the little chance they possessed of coping with us. With the aid of the native Christians we manned a second 6-pounder, and an hour after we saw the proclamation taken into the town, battered it for some time with two 6-pounders. On the night of this day all was quiet, but early on the following morning we learnt, that, during that night a great many of the inhabitants had been flying from the town into the interior, and that our proclamation and battery had occasioned some sensation within the town.

Although, on the first day, when the Deputy Commissioner proposed that the troops should advance on the insurgents, and act on the offensive, I doubted the propriety of the measure, for reasons, in which he concurred; yet, when our position was well defended by a breast-work, the ammunition being secured on board the schooner *Susan*, I arranged, that a sortie from our works for the purpose of reconnoitering the inside of the town, and attempting to destroy the defences which the insurgents had prepared in front of us, should be made at day-light of the 15th, but from the heavy rain it was delayed for a few hours by the advice of the Deputy Commissioner.

The enclosed copy of my order, No. 2, will shew the arrangements which were made, and I am happy to say, that in our sortie we succeeded completely in blowing open the gate, and carrying off the whole of the guns and jinjals mounted in front of us, with the exception of one gun which we spiked.

Upon our return to the wharf the Chinese having entreated the Deputy Commissioner to make an attempt to save their families, which were said to be confined in the middle of the town, I made the arrangements detailed in the enclosed copy of the order No. 3, for a second sortie. We found the gate had been repaired, but our 6-pounder again burst it open, and we marched into the middle of the town without any opposition driving the insurgents before us. We found the whole of the houses, and particularly, where the Chinese had understood their families to be confined, quite deserted, and having taken possession of a battery of 13 jinjals which the insurgents had placed near the Court House, we retired again for the night to the wharf.

On the morning of the 16th hearing that the town had been evacuated, we marched in and re-occupied it according to the plan described in Order No. 4. Towards evening the Deputy Commissioner having received information where the ringleader and his principal adherents were secreted, we sent a party of sepoys with a Mahometan in the employ of the Deputy Commissioner, and this party succeeded in apprehending the ringleader Mounghda, his brother, and five of his immediate adherents, who were instantly tried by the Deputy Commissioner, and hung.

From the moment we re-occupied the town the inhabitants began to re-join us, and as soon as the ringleader was executed, the whole country appeared to recover their confidence in us, and to return to a state of order and tranquility, volunteering to proceed and secure the confidential adherents of Mounghda.

The town is now fast approaching to the same state in which it was before this insurrection broke out, and the arrival of the H. C. steam vessel *Diana* this morning with the re-inforcement has removed every cause of uneasiness. I am happy to say none of the houses in the town have been burnt, and we have had only two sepoys killed and one Chinese.

I cannot describe in sufficiently appropriate language, the aid and support which all officers and sepoys, and volunteers have afforded me during the late affair. The sepoys, in addition to a display of gallantry and steadiness, have put up most cheerfully with the very severe duty which has been imposed



upon them without any relief during seven nights and days. I beg to submit a copy of an order, No. 5, in which I have attempted to express to all concerned, the sentiments which their conduct has inspired in my mind.

For the distinguished excellence of conduct pursued in this affair by Major Burney, the Deputy Commissioner for the Tenasserim Provinces, I am equally at a loss for language to express my thanks, and my admiration. The firmness and consistency of his whole conduct, the suavity of his manners, the kindness with which he imparted his advice, which was rendered peculiarly valuable by his superior local knowledge and extensive acquaintance with the character and resources of the rebels, and the usual mode of Burmese warfare, the condescension with which he yielded to me his military rank, still preserving entire his military character, intrepidity and energy, setting an example of distinguished bravery on every occasion, and particularly in both attacks upon the town, all combine to impress my mind with the deepest sense of his personal worth, and military excellence.

I beg leave to enclose a general return of ordnance and military stores captured at the two attacks, as also a return of the troops.

I have, &c.

A. CUXTON, *Captain.*

*Tavoy, the 18th August, 1829.*

*(Translation of a letter to the King of Burmah.)*

Nay-myo-rai-hla-kyaw-khoung the Yay-woon of the city of Tavoy, which is a part of your Majesty's dominions, bowing himself beneath the sole of the Golden Imperial Excellent Feet, places the imperial mandate on the top of his head, O Sovereign! The extraordinary imperial favor of having made me a good man in the city of Tavoy, I cannot, through successive states of existence fully re-pay or requite. At the time when the Koo-lahs (English) came with a force and entered the place, they succeeded in occupying it, because there was in the imperial arsenal in the city, but a scanty supply of powder, balls, flints, weapons and arms, and the military force was small. But on the 9th day of the waxing of the moon wah-khoung, in the year 1191, relying on the Excellent Golden Imperial glory, I, together with the inhabitants of the city, the headmen, chief, and common people, attacked and destroyed the Koo-lahs, and now offer and present the city to the Golden Imperial hand. I continue to protect and defend the city with a very small supply of powder, balls, flints, weapons and arms. Bowing myself beneath the excellent sole of the Golden Imperial Foot, and placing on my head the imperial mandate I petition, that such Nobles and Ministers may be appointed as enjoy the imperial confidence, O Sovereign.—*Translated by Revd. Mr. Boardman.*

*(Translation of a letter to Oozana, the Burmah Chief of Martaban)*

Nay-myo-rai-hla-kyaw-khoung the Yay-woon of Tavoy city, which is subject to your Highness' jurisdiction, humbly awaits your Highness' orders, my Lord. Your Highness' extraordinary favor in making me a good man, I cannot through successive states of existence fully re-pay or requite. At the time when the Koo-lahs came to the city of Tavoy, because there were in the imperial arsenal in the city no balls, powder or flints, and the military force was not sufficient, the city fell into the hands of the Koo-lahs. But now relying on your Excellent Highness' golden glory, having attacked and destroyed the Koo-lahs, on the 9th day of the waxing of the moon wah-khoung, in the year 1191, I attacked and destroyed them, and am now guarding and defending the city with a very small military force. As your Highness is proprietor of this southern section of the imperial domain, I humbly petition that your Highness will appoint such military and other officers as enjoy your Highness' confidence; that your Highness will graciously aid us by affording a supply of fighting-men, balls, powder and flints; in all which I await your Highness' orders my Lord.—*Translated by Revd. Mr. Boardman.*

N. B. The above copies of two letters despatched by Mounгда, were found among the books and records, which were captured with him.

H. BURNÉY.

TO MAJOR BURNEY,

*Deputy Commissioner, Tenasserim Provinces.*

SIR.—I am directed to acknowledge the receipt of your despatch of the 30th ultimo, and to transmit to you the enclosed copy of the letter which has this day been addressed to the Commissioner on the subject of it.

I have, &c.

GEORGE SWINTON,

*Chief Secretary to Government.*

Fort William, 29th September, 1829.

TO A. D. MAINGY, Esq.

*Commissioner in the Tenasserim Provinces.*

SIR,—I am directed to acknowledge the receipt of the Deputy Commissioner's despatch, dated 30th August, and to communicate to you as follows:—

2. The Governor-General in Council has perused Major Burney's very full and satisfactory report of his proceedings at Tavoy with interest, and desires, that you will convey to him the high approbation and applause of the Government, for the judgment, energy, and decision manifested by him in putting down the insurrection at Tavoy, and in restoring the tranquillity of the place. The execution of the ringleaders and their principal adherents is entirely approved.

3. His Lordship in Council has not overlooked the honorable testimony which the Deputy Commissioner has borne to the exertions of Captain Cuxton, the officer commanding at Tavoy, and of those under his command.

4. The services of Sub-Conductor Croley, Staff Serjeant Richardson, and Sub-Assistant Surgeon Bedford of the Madras establishment, are considered to have been highly meritorious, and will be made the subject of a communication to the Governor in Council of Fort Saint George.

5. His Lordship in Council desires that you will be pleased to acquaint Mr. Lindquist, the commander of the *Diana*, steamer, that his gallantry, activity, and zeal are duly appreciated by the Government, and enhance his claim to its favorable consideration. His offer to navigate the Cutter *Ruby* to the presidency in charge of Major Burney's despatch, and which offer was accepted affords a further proof of his ardour, and alacrity in the public service.

6. You will also be pleased to acknowledge in suitable terms the services rendered to Major Burney by the Reverend Mr. Boardman. Major Burney has likewise noticed with approbation the spirited conduct of Mr. Druemgoole.

7. The Governor-General in Council proposes, in conformity with the suggestion of the Deputy Commissioner, to bestow medals to the four head-men of the Chinese settlers at Tavoy, as a token of His Lordship in Council's approbation of their good conduct.

8. The arrangement made by Colonel Vigoreux for re-inforcing the Garrison at Tavoy by an additional company of sepoys and a detail of European artillery men, is approved, and you will be pleased to communicate with that officer on the subject of a permanent increase of force for the garrison of Tavoy, and to report your sentiments and his, whether that detachment can conveniently be spared from the head quarters at Moulmein, should it be considered necessary to maintain it at the former station.\*

9. With reference to the severe loss sustained by the Deputy Commissioner in the destruction of his library and other private property at Tavoy, His Lordship in Council desires, that that officer be directed to submit an estimate of the value of the property destroyed, and a statement of the losses sustained by the other officers at that station.

10. Mr. Lindquist has been directed to return to Moulmein without loss of time.

I have, &c.

(Sd.)

GEORGE SWINTON,

Fort William, 29th September, 1829.

*Chief Secretary to Government.*

\* Major Burney afterwards received from Government a sum of Rs. 7,911, as compensation for the loss of his property, agreeably to the estimated value submitted by him.

*(Copy of the Madras General Orders, Fort St. George, 26th February, 1830.)*

**G. O. BY GOVERNMENT.**—The Right Honorable the Governor in Council has received with great satisfaction advices from the Supreme Government, enclosing a report from Major Burney, Deputy Commissioner for the affair of the Tenasserim Provinces, in which he ascribes the suppression of the insurrection at Tavoy to the prompt and judicious measures adopted by the late Captain Cuxton of the 19th Regiment N. I., and to the steady conduct of the detachment under his command, aided by the gallant services of Sub-Conductor Corley, Staff Sergeant Richardson, and Sub-Assistant Surgeon Bedford, who, in the absence of the artillery, manned and served the guns in the most spirited and effectual manner.

The subsequent death of so valuable an officer, as Captain Cuxton is an event of deep regret, but it is a great satisfaction to the Right Honorable the Governor in Council to express his high approbation of the services of the whole detachment, and, at the recommendation of His Excellency the Commander-in-Chief to promote the following individuals, who particularly distinguished themselves on that occasion.

Sub-Conductor T. T. Corley of the Ordnance Department, to be a Conductor.

Staff Serjeant Richardson of the Commissariat Department, to be Sub-Overseer.

Acting Apothecary Bedford, to be an Apothecary.

Mooniapay Naik, Light Company, 19th Regiment, to be a Jemadar, and privates Madar Saib, Chinnoo, Rungiah, Allaudy, and Shaik Tippoo, who were on the magazine-guard to be Havildars; the whole to be borne on the rolls as supernumeraries until vacancies occur to bring them upon the strength of their respective corps and departments.

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*(Copy of a letter addressed to Brigadier Vigoureux, C.B., commanding the troops on the Tenasserim Coast, by Major H. Burney, Resident at Ava.)*

SIR,—Having just learned from a general order issued by the Government of Fort St. George, dated 20th February last, that the Right Hon'ble the Governor in Council has been pleased to notice and reward certain individuals, who were reported by me to have been of great service last year, in suppressing the insurrection at Tavoy, I hope you will permit me to submit through you to the consideration of the same high authority, the conduct on that occasion also of Abdullah Khan, Havildar of the light company of the 19th Regt. now at Tavoy. It was not until after I had made my report to the Supreme Government, that the exemplary behaviour of this individual was made known to me. He was in command of the treasury-guard at my office on the morning of the 9th August, and when the insurgents commenced their attack by attempting to take possession of the magazine, which was but a short distance from my office, he not only took upon himself the responsibility of immediately detaching three of his guard to re-inforce and support the magazine-guard, and I understand that these three men falling upon the rear of the assailants were of the greatest service; but his whole conduct and arrangements were calculated, in no ordinary degree, to give confidence to my family and servants, and to prevent any of the insurgents from approaching the public treasure. The steadiness and presence of mind which he displayed at a time when all my servants and others near him were in a state of wonder and dismay, prove him to be a soldier in whom the fullest reliance may be confidently placed on any occasion of danger and difficulty, and I should be wanting in my public duty if I hesitated, from any apprehension of being considered intrusive, to bring such a man to the notice of his superiors.

I have, &c.

**H. BURNEY, Major.**  
*Resident at Ava.*

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**NOTE.**—Abdullah Khan was promoted by the Right Hon'ble the Governor in Council of Fort St. George to the rank of Subadar.

# ACCOUNT OF THE INSURRECTION AT MERGUI, IN 1829.

Tavoy 11th of September, 1829.

To GEORGE SWINTON, Esq.

*Chief Secretary to Government.*

SIR,—I had the honour to report to you on the 30th ultimo, the particulars of an insurrection that had taken place at this station, which I left on the 20th ultimo, in order to communicate with Brigadier Vigoureux at Moulmein, whence I addressed you.

Before leaving this station for Moulmein, I had despatched an express-boat-manned by Malays, to Mergui for the purpose of apprizing the officer in civil charge there, of what had occurred here, and pursuant to the intention communicated to you in my report of the 30th ultimo, I left Moulmein on the same day with a view of returning here. But, upon my arrival at Amherst, the weather was considered far too boisterous for such a vessel as the Hon. Company's steamer *Diana*, built for river navigation only, to put to sea in, and I was detained there. On the evening of the 1st I succeeded in getting the cutter *Ruby*, which I had taken up for the conveyance of my despatches to you, to put to sea. About noon of the 3d, just as I was about to try to quit Amherst harbour, a small vessel came in from Tavoy with the distressing intelligence, that before my express-boat could reach Mergui, some of the inhabitants of that place had conspired to follow the example of those at Tavoy, and had induced Captain—suddenly to quit his charge. This intelligence was received at Tavoy from a native, and its details, of which I enclose a copy as received by me, appeared rather incredible.

I returned, however, on the same night to Moulmein, and having been furnished by Brigadier Vigoureux with a party of thirty Europeans from H.M. 45th regiment, and two howitzers, to be used in case the insurgents at Mergui should have established themselves upon one of the many commanding spots there, I made all haste back to Amherst, and succeeded in getting the *Diana* out to sea on the evening of the 4th. Notwithstanding we had to encounter weather which broke five or six of the paddle-arms of the *Diana*, we reached Tavoy town on the afternoon of the 6th.

Upon my arrival, I discovered, as I had previously hoped, that the change of affairs here and the example which I had made of the ring-leaders, had, when heard at Mergui, excited great alarm among the conspirators there, who were using means for discovering the place to which Captain — had retired, apparently with a view of re-calling him to Mergui, I found also, that one of the principal conspirators, Moungh Showe Ya, a son of the former Burmese Governor of Mergui, had delivered himself up to Colonel Kelly, I beg to enclose a copy of the account which Moungh Showe Ya gave of himself, and of the events which marked the sudden departure from Mergui, of not only Captain—, but of the whole of the officers and troops serving there. I ascertained, that Moungh Showe Ya's account of himself was not altogether correct. He had left Mergui with the intention of receiving further instructions regarding that place, from the principal traitor at Tavoy, Mounghda, and in his boat were found the regimental jackets and a sword belonging to one of our officers. It was upon his arrival at a village (Kunethari) near the mouth of Tavoy river, that he first learnt the change of affairs here, and the execution of Mounghda and his adherents. Hearing this, he saw the total destruction of all their treasonable plans, and conceived that his best course, under such a change of circumstances, was to come on to Tavoy, and deliver himself up to us.

A few days after the arrival of Moungh Showe Ya, a Malay boat had come to Tavoy from Mergui with some additional intelligence. The Nakhoda of the boat declared that he had been despatched by a Burmese named

Moung Showe Gyah, who was then acting as the Chief of Mergui, to endeavour to trace the place to which Captain — and the troops had gone, in order to convey to them provisions, and to persuade them to return to Mergui.

Upon the arrival of this Malay, Colonel Kelly had despatched a small schooner, the *Susan*, with a supply of provisions, for the relief of Captain — and his party; and, as soon as the *Lady Munro* had come in with the reinforcement of another company of the 19th regiment which Brigadier Vigoureux had sent to relieve the 100 Europeans from H. M. 45th regiment, Colonel Kelly made arrangements for proceeding to reoccupy Mergui.

My arrival with the *Diana* steam vessel was just in time to save Government a good deal of expense; for, at my suggestion, Colonel Kelly embarked on board of her, a party of fifty men of H. M. 45th regiment and a few artillery men, and put on board a small vessel, which was fastened to the stern of the *Diana*, the company of sepoys that had just arrived from Moulmein in the *Lady Munro*. We left Tavoy town in the afternoon of the 7th instant, and succeeded in towing with safety the small vessel fastened to the *Diana* into Mergui harbour on the morning of the 9th. We were prepared to meet with resistance from the conspirators, as I was doubtful how far we might credit the intelligence which the Malay Nakhoda had brought to Tavoy; but a few minutes before we reached the anchorage, a boat pushed off from the shore and met us, having on board Mr. Hutton, (Captain's clerk) Mr. Aide, George DeCastro, and Moung Showe Gyah himself, the person who had assumed the title of Myowoon of Mergui. Upon the departure of Captain —, these persons brought to us the pleasing intelligence that all was quiet at Mergui, and that the conspiracy against our Government had been abandoned from the moment accounts were received of the fate of Moungda and his friends. I had taken Moung Showe Ya with me from Tavoy, and I immediately held a Special Deputy Commissioner's Court and tried him and seven other principal men for treason and conspiracy against the British Government. I beg to enclose a copy of my proceedings at these trials.

The depositions at these trials will inform Government of one of the most extraordinary and incomprehensible occurrences which I have ever heard or read of, until Captain — and the officers of the 19th M. regiment with him have an opportunity of explaining, it is of course due to justice as well as to them for me to refrain from giving any opinion. I can only relate, that it appears a very exaggerated account of the insurrection at Tavoy having been conveyed to Mergui, with the addition that not only Tavoy but Moulmein had been destroyed by the Burmese, and that an army of 5,000 men under Moungda was coming overland, and had reached within a few hours' march of Mergui, where it was to be joined by the principal inhabitants of the place, Captain — and the officers of the 19th regiment suddenly and secretly embarked themselves and the whole of the troops on board a small cutter and the Government accommodation boat, and left Mergui in the dead of the night, having on board nothing but a little rice. It is unquestionable, that the intelligence of Moungda's success at Tavoy had induced several of the inhabitants of Mergui to conspire to attempt a similar revolt there, but they had not the means or spirit to make any attack, or even to gather in a body, and if they had, a great proportion of the population of Mergui consists of Chinese, native Christians and Mussulmans (Moormen and Malays), and the place is by nature remarkably tenable in a military point of view, whilst the tale of an army of 5,000 men marching overland from Tavoy at this season of the year, might have been incredible to any one who had seen any part of the intermediate country during even the dry weather. It appears, that the Government jailor, Bawa Saib, who is one of the individuals whom I tried, and who was much in Captain —'s confidence, acted a most treacherous part, exaggerating the reports which were brought from Tavoy, and leading on Captain — and the other officers to adopt the measure of retiring from Mergui without firing a shot. But Captain — and the other officers, could not expect to go very far in the crowded and unprovided state in which they left Mergui: it will be seen from the enclosed trials, that after seven days of labour and privations, they had not got more than thirty-five miles from Mergui, to a small spot on Tavoy island, where the Chinese farmers of the birds' nests occasionally reside during the dry season, and that here, those in the cutter are said to have let loose the boat astern,

filled with sepoys, and left it. The conspirators had, in the first instance, despatched some armed boats to overtake and apprehend the party from Mergui, but upon hearing of the change at Tavoy they sent some others with provisions to afford them assistance, and these boats fortunately found the sepoys whose boat had been wrecked shortly after the cutter left them, and brought them back to Mergui in a most deplorable condition.

The evidence of the subadar in charge of this party of sepoys appears in the enclosed proceedings of my trials. He states, that he understood the cutter to have directed its course for Penang. The schooner *Susan*, which Colonel Kelly had despatched from Tavoy, has returned, and so have several Burmese boats, without being able to meet with the cutter or any of those embarked in her. From her crowded state and deficiency of provisions, I have much reason to fear that she will not reach Penang at that season of the year. I have directed some more boats to be despatched from Mergui to the southward in quest of this party.

I proceed to state the measures which I have adopted at Mergui. Colonel Kelly has placed the following detail as the garrison until further orders :

Thirty men of H.M. 45th regt. under Lieut. Potts ; one corporal and six gunners of the Madras European Artillery, one Company of the 19th M. regt. under Lieutenant Kennedy.

I have put in civil charge of the place, until the pleasure of the Civil Commissioner, his assistant, Lieutenant Leslie, who accompanied me from Moulmein, and whose knowledge, of the Burmese language intimate acquaintance with the place and people from former residence there, and, particularly, whose mild and prepossessing manners, render him well qualified to restore every thing to its former footing at Mergui, with the inhabitants of which place he is a great favourite. I have been obliged to attach to him some person as a Master Attendant, and I have selected for this office, pending the pleasure of the Civil Commissioner, Mr. Dromgoole, who lately afforded me to much aid at Tavoy, and who would be satisfied with a reduced salary of 150 rupees per month. I have been obliged to avail myself of the services also of the former Master Attendant of Tavoy, Mr. Emmott, who volunteered to take charge of the small vessel in which the sepoys were towed down to Mergui, and whom I have authorized, pending the pleasure of the Civil Commissioner, to act in his former situation of Master Attendant of Tavoy, upon a moiety of his former salary, 150 rupees per month.

I have endeavoured in the late measures which it has fallen to my lot to adopt, in order to suppress the insurrection at Tavoy and re-occupy Mergui, to study economy as much as possible ; and I hope when Government will examine the account of my extraordinary disbursements, which I propose to prepare and forward immediately, I shall be acquitted of having incurred any unnecessary charge.

Colonel Kelly, at my suggestions proposes to fix at the garrison of Tavoy, until further orders, the following detail :

Thirty men of H. M. 45th regt. under Lieut. Taylor ; one corporal and eight gunners of the Madras European artillery, under Lieut. Rolland, and two companies of the 19th M. regt. under Captain Cuxton and Ensign Young.

The party of sepoys belonging to the late garrison of Mergui, Colonel Kelly proposes to remand to the Head-quarters of the regiment at Moulmein on board the *Lady Munro*, which will at the same time take back seventy men of H. M. 45th regt. under Captain Moore.

It was not my original intention to propose that any portion of H. M. 45th Regiment should be left at Tavoy and Mergui, and Brigadier Vigoureux wished that the whole should be remanded to their head quarters. But the loss of a great portion of the sepoys who formed the garrison of Mergui, and a desire not to interfere in any manner with the arrangements which the Government of Fort Saint George has made for the *Lady Munro*, to take over to Madras the party of the 36th Regiment now at Moulmein, have induced me to change my intention. By keeping a party of H.M. 45th regiment at Mergui and Tavoy, Brigadier Vigoureux will, I hope, no longer consider it necessary to detain the detail of the 36th regiment from returning to Madras in the *Lady Munro*.

I beg here respectfully to solicit the Right Hon'ble the Governor-General in

Council to re-consider the arrangement by which only one native regiment is stationed on this coast, and no European artillery attached to the garrisons of Tavoy and Mergui. The regiments having been reduced to eight companies and to eighty men per company, one regiment is not equal to the duties required.

With respect to the conspirators, whom I tried at Mergui, it will be seen, that I have sentenced them to death subject to the confirmation, of the Governor-General in Council. Happily, there was no occasion for any immediate example to be made as in the revolt at Tavoy, and adverting to the unexplained conduct of our own garrison, and to all the circumstances attending the first plotting and subsequent abandonment of the conspiracy, and the manner in which the principal conspirators put themselves into our power, I was anxious that Government should determine how far it will be proper to carry my sentences into execution. I would beg to suggest, that seven only of those condemned, viz. Mounng Showe Ya, Nga Shew-en, Nga Tshi, Nga Ail, Mounng Bo, Mounng Thwon Myat and Bawa Saib, should suffer punishment.

In consideration of the manner in which Mounng Showe Gyah, the person who assumed the title of Myolloon, or Governor, returned to his duty, I have pledged myself to recommend him to the mercy of Government in the strongest manner.

It remains for me only to state, that Mr. Corbyn, the Master Attendant of Amherst, and Mr. Dromgoole, have been of much service to me by the skilful manner in which they have navigated the *Diana* through very tempestuous weather; and I am also under great obligations to Captain Aikin of the ship *Lady Munro*, who, although I had been the cause of preventing his vessel from being chartered by Colonel Kelly, volunteered in the most handsome and public-spirited manner, to accompany me to Mergui with a party of his men, and by his able and experienced aid enabled the *Diana* to tow the other vessel safely over a heavy sea, which molested us much between Tavoy point and Tavoy Island.

I returned last night to this place where I am obliged to remain for some days in order to make various arrangements, but I propose to send the *Diana* back to Moulmein immediately with the intelligence of our proceedings at Mergui.

The protracted absence of the Civil Commissioner had been a source of the greatest uneasiness to me, as the repeated outrages committed by the Burmese at Martaban, and their increasing insolence must soon force us to go over and chastise them. I have appealed, without avail, to both the Martaban authorities and the Woongyee at Rangoon, against some of these outrages, and nothing but the apprehension of embarrassing the Government, or counteracting measures which may be in progress at Calcutta has kept me from applying to Brigadier Vigoureux for a party of troops, to be sent over to Martaban and directed to treat the inhabitants there as a band of lawless robbers and freebooters. The present state of things cannot last, and something must soon be done by us to answer the appeals which are daily made to us by our own villages for protection against the Burmese. Rather, however, than embark in measures which may pledge the Government to ulterior proceedings, I have considered it best, until the return of the Civil Commissioner, to re-man most of the public row-boats, and station one of them off each village, which the robbers of Martaban are most likely to go again and attack.

I have the honor to be, Sir, your most obedient humble servant.

(Signed.)

MAJOR H. BURNEY,

*Deputy Commissioner in the Tenasserim Provinces.*

TO MAJOR H. BURNEY

*Deputy Commissioner of the Tenasserim Provinces.*

SIR,—I have the honor to forward for your information the following deposition obtained from Nga Shoon, who being a Tavoyer, was unwilling to return to Mergui, and quitted his companions in the course of last night. Colonel Kelly has communicated with the Brigadier on the subject.

DEPOSITION OF NGA SHOON, A NATIVE OF TAVOY.

That he arrived here last night in a small boat with a party of fifteen men for the purpose of ascertaining the state of affairs at Tavoy, and was sent by the present Governor of Mergui Nga Shwai Yah; that Mounnga had written him

Nga Shwai Yah, detailing his plans and pointing out the method which Nga Shwai Yah, should adopt. The letter reached him on the 7th of the waxing of wagoon, (21st August, 1829,) and on the night of the same day he intended attacking the place with about 500 men, but the knowledge of this letter having reached Captain —, he ordered it to be proclaimed throughout the town, that such an epistle could only have originated with bad and disaffected people, and desired them to remain firm in their allegiance; about 12 o'clock the same night Captain — left Mergui town in a boat and had not returned, when he quitted the officers and sepoys dispersed in various directions, but have since been apprehended and confined in jail. The Burmese are now in possession of the town with the arms, ammunition, &c.

Taken before me, this 28th August, 1829.

J. MAULE, in Civil Charge, Tavoy.

I have the honor to be, Sir, your most obedient servant,

Tavoy, the 28th August, 1829.

J. MAULE, in Civil Charge.

*The information of Nga Shwai Yah, a native of Tavoy, son of the late Burmese Governor of Mergui, Nga Myat Lé.*

The object of his visit to this place is to give information of the state of affairs at Mergui, which he quitted about seven days ago, in consequence of having heard that the English intended attacking Mergui. He has been absent from Tavoy, and resident at Mergui about eighteen months.

About fifteen days ago Mounгда sent a letter to the present Myo Woon Nga Shwai Geyah, the contents of which he did not peruse, but heard, that Moulmein and Tavoy had been taken possession of from the English, and that Oozanah was come with an army as far as Ye, a portion of which had been sent by Oozanah to Tavoy. He does not know to whom the letter was addressed, nor was any meeting held in consequence of it. A day previous to the receipt of this letter, Captain — heard from a former prisoner of Tavoy (Nga Shwai Bey), who had been sent to Mergui, that Tavoy was taken from the English. As this news was spread throughout Mergui, Nga Shwai Bey was apprehended by Captain —'s orders and placed in confinement, and Captain — sent for him, Nga Shwai Yah, the present Governor, Nga Shwai Geyah, and Mounг Iek, the former cutwall, and desired them to mention what they had heard. They replied, that they had not heard any thing; he then told them, that they were suspicious characters, and desired them to be on their guard or he would send them away to Rangoon. He (Nga Shwai Yah) returned home and mentioned the circumstance to his mother. On the following day the letter from Mounгда was received from the people of Palau (he professes all ignorance as to whom the letter was addressed or first given) but heard from Nga Shwai Geyah that it was received, who enquired of him what course should be adopted; he replied, that as he was youthful and inexperienced he could not advise him in this matter. Hereupon Nga Shwai Yah immediately sent Nga Geyoung in a boat to Tavoy to ascertain the state of affairs, who returned about eight days since, and reported that they were all fighting. He (Nga Shwai Yah), heard from the people that in consequence of Bawa Saib having mentioned the purport of the letter to Captain —, he, (Captain —) quitted the place during that night without communicating his motives to the inhabitants in Captain Briesley's cutter and another boat.

All the officers and sepoys accompanied Captain —, as also the dresser and a peon. The sepoys carried their muskets away, but the treasure-box, ammunition and two large guns were left behind; the former contained seven bags of rupees and sixty-nine gold mohurs. They (the Burmese) were informed by Mr. Hutton, (Captain —'s clerk,) that the total amount was about ten thousand rupees. Nga Shwa Geyah ordered the spikes to be removed from the guns, desired all the arms which might be found in possession of the inhabitants to be collected, and delivered them to the following officers who were stationed on the hill:

Yewoon Mounghob, Nga Young, Mounг Iek, Mounг Chien, Nga Pan Oo, and Nga Pan Onng.

Four large boats with sixteen men in each armed with jinjols, muskets, &c., were sent in pursuit of Captain Briesley's cutter to solicit Captain — and party to return, but were fired at by the sepoys, on hearing them, when the Burmese returned



and left them. A day or two after, the peon who had accompanied Captain ——— and party, arrived at Mergui in a small canoe. He (the peon) stated, that he had quitted the cutter by stealth, and reported the English officers to be some where in the Birds'-nest Island, in great distress for want of provisions. Mr. Hutton and his son were confined in jail for a couple of days. The treasure has not been touched, and Nga Shwai Geyau has the key. He saw the Malay boat approach Mergui a day or two before he left; the which departed again without communicating. He was first informed of the English having re-taken Tavoy, and of the death of Moungda on his arrival at Peemboo, a village near Tavoy.

Taken before me, the 3d September, 1829.

(A true Copy)

(Signed)

J. MAULE, in Civil Charge, Tavoy.

*Deputy Commissioner in the Tenasserim Provinces.*

To GEORGE SWINTON, Esq.

*Chief Secretary to Government.*

SIR,—With reference to my despatch of the 11th instant I have now much satisfaction to report to you, that the party belonging to the late garrison of Mergui, together with Captain B—— and the officers of the 19th regiment M.N.I. having been traced to Saint Susannah's Island, on which Mr. Briesley's cutter had landed it, the whole has been brought back in safety to this place. As Mr. Briesley's cutter\* has proceeded to Penang with the exaggerated accounts of the fate of these provinces, I have been induced to direct Lieutenant Leslie to despatch a small vessel from Mergui to Penang immediately, in order to prevent the unnecessary alarm and expense, which the arrival of such accounts there may superinduce.

I hasten to submit the enclosed, Captain B——'s report of the causes which led him to Mergui. It was certainly most unfortunate for him that neither of the despatches which Mr. Maule had addressed to him in the end of July and on the 9th of August, reached him. The first was detained at Palau and the boat to which the second was entrusted, was obliged to put back from stress of weather. It had been my intention to have visited Mergui immediately after suppressing the revolt here; but a boat having arrived from that quarter with the intelligence that all was quiet there down to a late date, and being perfectly conscious with Captain B——, that "he was fully able to resist and suppress any attempt that any party in Mergui, unassisted from without, could make against him," I changed my intention, and sent down an express boat to Mergui, and returned myself in the *Diana* to Moulmein, to communicate to Brigadier Vigoureux. Unfortunately, also, that express-boat, as I have before reported, arrived just too late.

I have the honour to be, Sir, your most obedient, servant,

H. BURNEY, *Deputy Commissioner*

Tavoy, the 27th September, 1829.

*In the Tenasserim Provinces.*

To MAJOR BURNEY,

*Deputy Commissioner in the Tenasserim Provinces.*

SIR,—Imbued with a deep sense of the unhappy situation in which I am placed, I hasten to lay before you, for the information of superior authority, some explanation of the causes that led me to quit Mergui, and thereby incur a responsibility the most serious and weighty that can fall to the lot of a public functionary to incur.

About 10 o'clock on the night of the 19th of August, Bawah Saib, the jailor, brought me a report, that it had come to his knowledge, that there had occurred in the house of an inhabitant of the Daway division of the town, some conversation respecting a revolt that had broken out at Tavoy. I instructed him immediately to endeavour to trace and apprehend the author of this report, and after some hours' search he succeeded in taking into custody one of two men who had arrived in a small boat from a village in the Tavoy province. Upon examination of this man on the morning of the 20th, it appeared that he and another were thieves

\* The Malay crew rose on Mr. Briesley, Killed him and the rest of the party, excepting Mrs. Briesley and her mother, and run the vessel on shore on the Siamese coast, above Junkceylan, and burnt her. Some tidings of poor Mrs. Briesley have lately been heard, that she is now at Singora or Songkra, a town in Lower Siam below Sigor, in the Gulf of Siam.

bound to Mergui ; this boat, on its way down, touched at an intermediate village on the coast, and during her stay there, intelligence arrived at that village that there had been an attack made upon the British force by an armed body of the inhabitants ; but the account was not sufficiently distinct to enable the examinant to say how the conflict had terminated. The boat, in which the examinant had originally quitted Tavoy, remaining on a mercantile speculation at the intermediate villages, examinant and two or three other men proceeded on to Mergui in samall liberated from the Tavoy jail, and by direction of Mr. Maule, put on board a boat canoe, where they arrived during the night between the 18th and 19th of August, after a passage, according to their varying dates, of fifteen days from Tavoy. I could not obtain any further intelligence from this man, and therefore remanded him into custody. In the course of tracing this man during the preceding night, circumstances occurred, which induced me to suspect that Moung Shooay-gya, a man who had held a high office under the Burman Government, had not only received a letter from some of the conspirators at Tavoy, but had received into his house the bearers of this intelligence from Tavoy, and held a consultation with others upon the subject during the 19th instant. Suspicion fell also upon Moung-Shooay-yah, the son of the ex-Myoo-woon, upon Mounggee, formerly an officer under both the Burman and British Governments, and upon Gna Skye, a man who had once been Too-gyee of Meimamyoo. I sent for these men about eight o'clock, and interrogated them respecting the news from Tavoy, and admonished them to be circumspect in their conduct, since being under suspicion they would be narrowly watched, and on the least symptom of disaffection evincing itself, they would be the first objects of the precautionary measures of Government. They all denied any knowledge of a conspiracy in the town or any clandestine correspondence with the rebels at Tavoy ; and I, unable to bring home to them any act of treason, after they had assured me of their attachment to our authority, dismissed them. During this day (the 20th) a great number of contradictory and inconsistent reports were circulated, and the whole town was in a ferment and consternation ; for my own part, I was occupied as usual, in my ordinary business, and placed no credit whatever in the rumours. In the course of the afternoon I issued a proclamation, with a view to allay the ferment in the town, and to quiet the apprehensions of the timid, by expressing my disbelief of the rumours, and attributing their circulation to the evil designs of thieves and vagabonds, who expected to reap a rich harvest in creating a tumult. In the evening I walked alone, and apparently unconcerned, round the principal streets of the town, occasionally stopping to converse with a few of the more respectable inhabitants, and I was rejoiced to find, that the proclamation I had issued, had at least attracted attention, although it had certainly not removed the chief cause of alarm, the rooted conviction that some disaster, the nature and extent of which was unknown, had befallen the British power at Tavoy. Upon consulting with the officer in command of the company stationed at Mergui, it was judged prudent, that the jail guard should be strenghtened, sentries loaded, and other measures of vigilance and caution adopted, so as to guard against surprize or treachery. At night the report made by Bawa Saib of the intelligence he had been active in collecting, began to shake my incredulity, although it was still apparent that there was no consistent story yet afloat, recognized as true by all parties. I passed the night without retiring to rest, anxiously listening to every sound and fully prepared for any extremity. I felt perfectly conscious, that we were fully able to resist and suppress any attempt that any party in Mergui, unassisted from without, could make against us ; and I knew that no movement could be made in the town without being observed and reported by my public servants, who were all on the alert. The night passed quietly. Early on the morning of the 21st Bawa Saib reported, that the father-in-law of Gna-twon-myat, the Goum writer, was in the confidence of Moung Shooay-gya, and that Nga-twon-myat having overheard his father-in-law conversing with others on the subject of the letter received by Moung-Shooay-gya from Tavoy, he had immediately communicated the circumstance to him (Bawa Saib,) for my information. This information I deemed conclusive, and the object now was, to ascertain the contents of that letter, to have sent and seized Moung Shooay-gyah, as at first suggested itself to me, would assuredly have defeated that object ; the result of my deliberations was a too facile assent to the proposition of Bawa Saib, that he should, in the evening at dusk, go to Moung Shooay-gyah, and assume a familiarity with, and a confidence in him, & endeavour

to worm the secret out of him in all its bearings and tendency. After breakfast, it being a court-day, I attended the Goum as usual, and heard cases. About noon, being much distressed for want of intelligence from Tavoy, and the rumour gaining ground and belief that a large body of men was marching down upon Mergui, I despatched a trusty man to the northward to gather all the information he could, with all possible speed. I had a long conference with Gna-twou-myat, who confirmed all that he had reported to Bawa Saib about the receipt of the letter by Mounng Shooay-gya. I gave the officer in command of the company every information and advice in my power, and he immediately commenced removing the men, ammunition and stores up to the temple on the hill, and planted the guns so as to command department that could be done by so small and inefficient a body as a company of the two most open approaches; in fact, every thing was done in the military sepoy's, ten of whom were in hospital. It was a great misfortune to me that the best of my native servants, the one in whom I could place the least reserved confidence, was absent on public business out in the country. In the course of the day I had a conference with the head-men amongst the Chinese, and had reason to believe, that I might rely on them for assistance in case of need; the Portuguese also could have mustered pretty strong on our side, but the great *desideratum* was in arms and ammunition. Before night-fall we had so disposed matters, that notwithstanding the gloomy and menacing aspect of affairs as pictured in the reports and fears of the people, I felt tolerably secure, and had just retired to take a little refreshment with the officers about eight o'clock, when Bawa Saib came in with last report, having returned from his interview with Mounng Shooay-gya. His first remark certainly startled me, "we are all lost," he said, "the reports are perfectly true, that Tavoy has fallen into the hands of Mounngda, all the British inhabitants have been killed and their heads stuck up over the walls: Mrs. Burney and her children have alone been saved." He went on to relate that he had gone, as had been proposed, to Mounng Shooay-gya, and affecting an interest in the cause of the conspirators, and a desire to secure his favour and protection in case of the success of the conspiracy, had completely succeeded in obtaining from him the contents of his letter from Tavoy, as well as his answer. It appeared, the letter had been received early on the morning of the 20th, by the hands of a man who had arrived in a small boat landed in the jungle, entered the town while it was yet dark, and returned instantly with Mounng Shooay-gya's answer. The letter stated, that Mounngda, with the assistance of four hundred men, who had come down from Moulmein (being a detachment from the large army said to be there), had collected a body of men at Tavoy, and attacking the British force, had, after a conflict of sixteen or eighteen hours, completely destroyed the whole detachment of sepoy's and all the British inhabitants, with the exception above alluded to; and that two large boats had been sent to Rangoon, filled with treasure and other booty that had fallen into their hands. It proceeded to exhort Mounng Shooay-gyah to make a similar attempt at Mergui, and promised him an immediate reinforcement of men and arms from Tavoy. From the bearer of this letter Mounng Shooay-gyah had learnt that at the time of the despatch of the letter from Tavoy no certain written intelligence had reached there of the operations of the large army destined for the attack on Moulmein; but reports had arrived that it had succeeded in taking the place; routing the British force; burning the shipping; and especially destroying the steamer. Mounng-myat,\* lay, the ex-Governor of Mergui, was said to have arrived at Tavoy from Rangoon, at which place the officer appointed to receive the money due to the British from the Burman Government, had been assassinated. Such, Mounng Shooay-gya assured Bawa Saib (as he reported to me) was the nature of the intelligence he had received from Tavoy, to which he had sent an answer, stating, that he was as yet too weak in numbers and arms to make an open attack, and that he waited only for assistance and for certain intelligence as to the operations of the large force against Moulmein. Mounng Shooay-gya added, that he hourly expected the arrival of the promised reinforcement, and begged of Bawa Saib, that he would not tell me any thing of what he had now communicated to him until the arrival of further intelligence from Tavoy, when he proposed that Bawa Saib should undertake to induce me to put myself quietly under Mounng Shooay-gya's protection, and that I should be kindly treated. Lastly Mounng Shooay-gya assured Bawa Saib, that it was useless my relying upon the man I had sent to the northward for information, since orders had already been issued to seize any emissary of mine, and that those orders would be

\* New Governor of Bilery and Martaban (1838).

punctually obeyed by the Thoogyees lying in the direction of Tavoy. Bawa Saib, upon leaving Mounng Shooay-gya, came and reported all the above to me, he added, that he had moreover discovered that there were three distinct parties in the town, all equally anxious to rise upon the British force ; but, dreading and distrusting each other, and in their divided state, each too weak to make any unassisted effort to overpower us ; but that they were all anxiously watching our movements, and prepared at a minute's warning to engage in any desperate enterprize. Bawa Saib proceeded to state, that under present circumstances the peaceable people in the town were fully convinced of our inability to protect them ; and, having resigned all confidence in our power, preparing to run to the jungles ; he added his belief, that any resistance on our part was utterly hopeless, and would only the more readily ensure our destruction. He wished to know what I intended to do ; to which I could give him no answer, and he left me, after expressing a hope that I would not sleep as usual on my own bed for that night, for he knew that there were several desperate characters in the place who might possibly attempt to assassinate me, or at least seize my person. All these matters, of course, came immediately under the most serious discussion between myself and the officer commanding the detachment. I confess, I was satisfied of the truth of Bawa Saib's report, and I assured the officers of the detachment of my belief therein. The question to be settled then was, what could be done ? Lieutenant S. and his two junior officers were unanimous that a company of sepoy's could not possibly hold out against the expected attack, after Tavoy and Moulmein had fallen into the hands of the enemy, more especially as by some unfortunate accident there were only twelve hundred rounds of serviceable ammunition, together with a few cartridges of condemned powder, made up by the sick in the course of that afternoon, and which were of questionable utility. It was not my province to give an opinion upon the capability or otherwise of one company of sepoy's with twelve hundred rounds of ammunition to withstand the power we believed to be arrayed against us ; but, I confess, I could entertain no other opinion than that their incapacity was but too apparent. Under this impression I readily consented with the officers of the detachment to make an attempt to save ourselves by timely retirement. To effect this, we had only a small boat\* belonging to Mr. Briesley, which could not possibly hold more than half the detachment, and we trusted to be able to get afloat a large open boat, generally used by me in my excursions through the district, which would hold the remainder. The resolution of quitting the place had no sooner been adopted than measures were taken to carry it into immediate execution. Lieutenant S. made each man hastily pack up a small supply of rice in his haversack ; but, for ourselves, we could do nothing, since we were unable to take with us any baggage, owing to want of time for preparation, and want of room on board the boat. We were obliged to wait until turn of tide, which gave Mr. Briesley a little time to get some water and other necessaries on board, and about two o'clock we marched silently down to the wharf, not without the full expectation of meeting with resistance and loss on our way, since we had reason to believe we were narrowly watched, and that some effort would be made to prevent our escape. We passed, however, uninterrupted ; and, after having got the men embarked, after much delay, partly on board Mr. Briesley's boat, and partly on board the open boat above alluded to, we quitted Mergui early on the morning of the 22d of August, only a short time before day-break.

Such is the brief outline of the causes that led to this disastrous occurrence. As for my individual share, I was influenced by numerous weighty considerations ; the chief was that I had received no intelligence from the officer in charge of Tavoy, and the fact of not receiving any intelligence was urged to me as a strong argument that Mounng Shooay-gya's story, as reported by Bawa Saib, was true. The smallness of our detachment and want of ammunition was another serious evil ; and, indeed, had we been double in numerical strength and supplied with an hundred fold the quantity of ammunition in our actual possession, we never could have hoped to make any successful stand against an enemy already, as we firmly believed, in possession of Tavoy, and supposed to be victorious at Moulmein. Independant of resistance on our part being utterly vain and hopeless, it occurred to me that to attempt it would not only effect no good, but do infinite mischief by involving in our certain

\* This boat had returned from Tavoy to Mergui but—days before.

fate, many families at Mergui who might possibly have inconsiderately put themselves under our fancied protection ; at any rate resistance would only have caused an useless effusion of blood, and have ensured to the European portion of us certain death ; superadded, perhaps, to ignominy and torture. It must be remembered that we acted under the firm conviction that the accounts we had received were in all particulars true ; and being thus convinced, and having no reason to believe the contrary, what could we do ?

As matters have now turned out, it becomes, of course, a task of singular difficulty to impress upon the minds of those who were not misled by false information, such a view of our melancholy case, as can induce these to suppose that our conduct could have been purely and wholly the result of wilful falsehood or accidental misrepresentation. It may be said that our retreat was premature ; to us it could not appear precipitate, as we already firmly believed the enemy in possession of Tavoy and Moulmein.

Where the false information originated that imposed upon our credulity and misled our judgment, I cannot now ascertain. It is sufficiently apparent that either Moungha made use of falsehood to stimulate the exertions of Moungh Shooay-gya, or Moungh Shooay-gya, suspecting the newly assumed interest that Bawa Saib pretended to take in the conspiracy, had wilfully misinformed him with a view that I might be misled in my judgment ; or lastly, Bawa Saib, himself may possibly have played me false. I state the latter supposition, because I know that Bawa Saib has never been sincerely attached to me since the assumption of my appointment at Mergui ; but, on the contrary, had done much at various times to annoy and injure me ; and it was the more singular, that one of his chief coadjutors in procuring or inventing the information he furnished to me was the only other amongst my public servants who bore me no good will : I allude to Nga-twou-myat, the Youm writer, whom, with Bawa Saib, I think I have before pointed out to you as men who were unfriendly to me. Be this as it may, the information was false somewhere, and it too unhappily succeeded in misleading me. But it having misled me ; it having convinced me that no efforts of mine could possibly check an evil of too great a magnitude, to be resisted by the forces at Moulmein and Tavoy, nothing was left for me but to endeavour to extricate the detachment and myself from the danger believed to be so close at hand. It could not have benefitted the Government, that I and the military detachment should have watched to share a fate similar to that which we believed had befallen our brethren at Tavoy. Hence unhappy attempt to escape.

The fact must not be concealed that for the space of thirty days I had not received intelligence of any description from Tavoy\* or Moulmein ; and when it became evident to all in Mergui that some serious occurrence had taken place at Tavoy, and when the necessary information was still delayed, how could I possibly argue but that the reports of the extermination of the British power were but too true, it not being possible to believe for an instant that authentic accounts of any serious disturbance at Tavoy would be withheld from the officer in charge of a place so intimately connected with Tavoy as Mergui ?

One circumstance I wish you to take into consideration, and it is this : that although I abandoned a small portion of the possessions of the Government to certain loss, yet, at the same time, I consigned my own fortunes and near all that I possess, to utter wreck and ruin. I left Mergui without food, without clothes, without a single rupee. Surely, Sir, you must see and feel that I could not but have believed our situation utterly hopeless, or I never could have plunged myself so irretrievably into calamity and destitution. But I preferred throwing myself upon the mercy of Providence to falling into the hands of a barbarous and exasperated enemy ; and, I fully trust, that that Providence which has hitherto preserved me in my perilous situation, will not wholly forsake me in this extremity of distress. Only one word more ; had I been informed of the proceedings at Tavoy ; had I but received one single line of intelligence to contradict the falsehood of the information that misled me, all this public loss to Government,—the interruption of public business,

\* Mr. Briesly's Cutter, in which the party left Mergui, had arrived there from Tavoy on the 29th July before.

—the utter ruin of my fortunes, and misery to which I am consigned, would have been entirely avoided.

I have, the honor to be, Sir, your most obedient servant,

(Signed) B——, *Assistant to the Civil Commissioner.*

*Tavoy, the 25th September, 1829.*

To A. D. MAINGY, Esq.,

*Commissioner in the Tenasserim Provinces.*

SIR,—Your despatches of the 17th ultimo and those from the Deputy Commissioner of the 11th and 27th September, relative to the transactions at Mergui, having been submitted to the Governor-General in Council, I am directed to state to you the following sentiments and observations of His Lordship in Council on the extraordinary and disgraceful occurrence therein detailed.

2. It appears to His Lordship in Council, that under the influence of panic, Captain B. abandoned his post without taking into consideration the highly improbable character of the reports coming from so questionable a quarter as that of the disaffected chiefs at Mergui, and without reflecting on the impracticability, as His Lordship in Council understands, of a Burmese army marching from Tavoy to Mergui over mountains, and through deserts in the height of the south-west monsoon. Recollecting also the events of the Burmese war, it is difficult to conceive how Captain B. could bring himself to credit the fact of the force at Moulmein, including a regiment of European soldiers, being entirely cut off by any army which the Burmese could have assembled to attack them. The report of so improbable an event ought to have made Captain B. suspicious of the truth of whatever came from the same quarter; but, even admitting that he was satisfied of that fact, and of the approach of a Burmese force to attack him, his precipitate flight under the veil of night, before any enemy had actually appeared, and without giving warning to the few Christians whom he abandoned to their fate, is considered by the Governor General in Council to be without parallel in the annals of our military history.

3. The misconduct of Captain B. is aggravated by his disgraceful desertion of the majority of the sepoy detachment, who were first towed to sea, and then for the safety of Captain B. and his European officers,\* were subsequently cast off, one of those officers having the courage, or the sense of honor, to share the fortune and perils of those under their command. It is true, that the subadar, who was one of the party, thus abandoned by their officers, has deposed that Captain B. showed great reluctance to the act of casting them loose, which was done by Lieutenant S. himself; but this cannot acquit Captain B., who, as a British officer, and senior to Lieutenant S., should have effectually interfered to prevent it. No allusion is made to this transaction in Captain B.'s letter of explanation, addressed to the Deputy Commissioner, nor does His Lordship in Council perceive in that document any satisfactory exculpation of any part of that officer's conduct, throughout the whole transaction.

4. Under this impression the Governor-General in Council deems it incumbent on him to mark his sense of conduct so unpardonable as that of Captain B. by refusing to accept his tendered resignation of his situation as Civil Assistant, and directs, that he be considered as dismissed from office from the 22d August last, the date of his desertion of his duties, and from which date his salary is to cease.

5. The Governor General in Council further deems it necessary to transmit copies of all the correspondence connected with the late occurrences, both at Tavoy and Mergui to the Government of Fort St. George for its information; and, with a request, that the documents may be communicated to the Commander-in-Chief of that presidency, with a view to Captain B.'s being brought to a Court-martial for misconduct as an officer of the Madras army.

6. With regard to the officer commanding the detachment at Mergui, the Governor-General in Council has abstained from passing any orders, his conduct

\* Captain B. and the other officers were acquitted by the Court-martial, of this charge.

properly falling under the cognizance of his military superiors, who, it is understood, have directed a Court of Enquiry to be held.

7. You will be pleased to communicate this despatch to the officer commanding the Tenasserim force for his information.

8. You will also be pleased to inform Captain B. that he has been placed at the disposal of the Commander-in-Chief of Fort St. George ; but that, he is to remain at Moulmein until he receives the further commands of his Excellency.

I have the honor to be, Sir, your most obedient humble servant.

G. SWINTON, *Chief Secy. to the Govt.*

*Fort William, 20th November, 1829.*

**TWO EXTRACTS FROM A LETTER ADDRESSED BY A. D. MAINGY, ESQ, COMMISSIONER OF THE TENASSERIM PROVINCES, TO GEORGE SWINTON, ESQ, CHIEF SECRETARY TO GOVERNMENT, FORT WILLIAM.**

*Dated Moulmein, 17th Oct., 1829.*

SIR :

I have, in another despatch of this date, addressed you on the subject of our existing relations with Ava. In this, I shall do myself the honor of reporting the proceedings that I have adopted, in regard to the unfortunate occurrences which have taken place at Tavoy and Mergui. I joined the Deputy Commissioner at Tavoy on the 29th ultimo, and after holding a Special Court and making such investigations and arrangements as appeared necessary, I returned to this station on the 15th instant. I am happy to premise, by assuring Government, that both districts of Tavoy and Mergui are now in the most perfect state of tranquillity and order.

2. The Deputy Commissioner's report of the 30th August has already put Government in possession of a good deal of information in regard to the late occurrences. There are points, however, which, from my longer residence on this coast, I am better qualified than he to press on the notice of Government ; and the principal one is, that there had always existed at Tavoy, as I have more than once had occasion to represent, a set of turbulent and seditious characters, who were dissatisfied with the loss of power and influence which they possessed under the former Burmese Government. Several of these persons were seized in the year 1825 by Colonel Wolfe. In the year 1826, a second conspiracy was detected, in which Mounгда and several of Colonel Wolfe's prisoners were again concerned ; and as at that time I possessed no powers to try and punish such criminals, I had no resource but to seize those conspirators and confine them in irons, and send them up to Rangoon, whence most of them were thrown back upon me, having been released by the Commissioners at Rangoon, and allowed to return to Tavoy.

3. Both of these conspiracies were suppressed by the timely exercise of vigour and decision, qualities, which I am sure, if our officers had displayed at Tavoy on the first day of the disturbance, would have immediately and effectually put a stop to it. In 1825, Colonel Wolfe hearing that Mounгда had collected four or five hundred men in his house, immediately sent a party of sepoy to his house, and seized him and the principal men. In 1826, Mr. Blundell, who was at that time in charge of Tavoy, hearing that a conspiracy had been formed to attack the sepoy, proceeded immediately and seized and put in irons Mounгда and fourteen of the principal conspirators ; and thus, on the recent occasion, I am satisfied, if Mr. Maule and Captain Cuxton had gone with, or sent a party of thirty or forty sepoy after Mounгда and his followers on the morning of the 9th of August, they would have succeeded in apprehending them, or at least in dispersing them and putting an end to the whole affair. Nothing could be more contemptible than the force with which the insurgents attacked the magazine and jail. In the one attack, they had only ten muskets ; and, in the other, four or five ; and if the guard of fifteen sepoy at the jail, with five sentries bearing loaded muskets, had displayed but a tithe of the good conduct of the naick and six sepoy at the magazine, not one of the ninety prisoners would have been liberated, and the insurgents failing in both points, would have fled into the jungle. In one of my trials it came out, that the five sentries at the jail, although their arms were loaded, waited for the orders of the subadar before they would fire, and that that native officer told them that he could not let them

fire without the orders of the European officer of the day; whilst, in the mean time, all the ninety prisoners were escaping out of the jail by the very door way. I cannot discover that one of the prisoners was even wounded in effecting his escape. How much strength and confidence Moungda and his friends derived from the liberation of these prisoners, it is needless to estimate.

4. In the observations, which I feel it my duty to make, far be it from me to accuse the officer commanding the troops at Tavoy, Captain Cuxton, who is since dead, of any thing like misconduct. Major Burney has testified to the energy and gallantry with which that officer extricated himself out of his difficult situation. I regret deeply, only the bad state of his health and the total ignorance in which he was necessarily placed from his recent arrival on this coast, with respect to the character and force of Moungda's party. But the events which followed Major Burney's arrival justify me in asserting, that if instead of evacuating the town, a party of sepoys had been suddenly moved against Moungda, the whole affair would have been easily settled. The same force on our side, which was considered inadequate to maintain the town, re-took it by escalade, after being dispirited and fatigued by incessant hard duty for six days and nights, and after the insurgents had increased in number from two or three hundred to 1,300 fighting men, and had provided themselves with guns, jingals, and ammunition, and other means of offence and defence. This fact leads me to submit to the consideration of Government, whether I was not abundantly justified in believing, that the force which I had consulted should be allotted for the garrison of Tavoy, was quite sufficient for the defence of the place against all internal enemies.

5. I regret exceedingly, that the public service obliged me to remove Major Burney to Moulmein, and place Tavoy in charge of Mr. Assistant Surgeon Maule, for although no part of the conduct of the latter gentleman led to the disturbance, and although he was qualified to conduct the ordinary civil details better than any other person whom I could select on the spot, yet his habits and profession prevented him from giving Captain Cuxton, when military operations became necessary, that aid and confidence which the severe illness and local inexperience of that officer so greatly required.

6. The measure of withdrawing from the town to the wharf, to which no Burmese was admitted, I deplore exceedingly, for it in a manner dissolved our Government, and enabled Moungda and his friends to intimidate the lower classes and the well-disposed of the population to join him. That the majority of the population, however, was forced, contrary to their own wishes, to side with Moungda when he took possession of the town, must be manifest when we reflect how easily Major Burney re-captured the town and dispersed those whom Moungda had collected within it, and how active the inhabitants of the interior have been, in apprehending and bringing in all those who had held a conspicuous station under Moungda; and this is the second point, which I wish to press on the notice of Government, that the late revolt was not general but a partial one, planned by a well known set of seditious and desperate characters, who were favoured in the prosecution of their schemes, by the severe indisposition of the commanding officer, and by the local inexperience of himself and of all who acted under him.

7. The Deputy Commissioner in his despatch of the 36th August, reported that he had reserved thirty or forty prisoners for me to try. Upon my arrival at Tavoy, therefore, I held a Special Civil Commissioner's Court, and tried and sentenced a number of prisoners, regarding whom I beg to enclose a descriptive account, detailing the offence, sentences, and character of each prisoner.

8. I did not omit, however, to use the utmost exertions to discover whether I or any person under my authority, had given cause to these offenders to induce them to conspire against our Government. I pressed every man whom I tried, to let me know if he had any grievance, and not one prisoner pleaded such a cause in extenuation of his offence. In truth, I will venture to declare, that in no part of the world is greater care taken to hear and attend to the complaints of the inhabitants than in these provinces. The houses of myself, of my deputy and of all my assistants, are open at all hours of the day or night for the meanest to enter and state his complaint, either verbally or in writing. No measure of internal police revenue is adopted but in communication with the inhabitants, and the native officers selected from among themselves; and I beg here to refer only to the enclosed copy of the oath of



office, which we administer to every native officer, who is at the same time furnished with a copy of it for his future reference, to prove the pains and anxiety which are always used, that "the wishes, feelings and opinions of the inhabitants of the country" should be made known to us. We have done every thing in our power to improve the character of the inhabitants and raise them in their own estimation. We have given chairs to the principal native officers when they have waited upon us, and not two months before the late disturbance, some of the leading conspirators were permitted to be seated in company with the Deputy Commissioner, and assist him as a jury in his trials of several offenders.

9. Mounгда, in the letter, which he addressed to Mr. Maule, to induce him to evacuate the town, stated, that our revenue arrangements had led to the revolt. There was a good deal of cunning manifested in his seizing upon this pretext. But it had no more foundation in truth, than the prophecy which he afterwards pretended to have extracted from an old book, and which he circulated among the people when in possession of the town, declaring that "after the Koolas the Tavoyers would be governed by a great King of the name of Mounгда." The principal conspirators paid little or no revenue, and these Thoogyees or head-men of the villages who commenced the attack on our magazine, were actually deriving most profit from our revenue arrangements. During the last harvest-season, however, a difference of opinion had existed between the Deputy Commissioner and the inhabitants of some of the villages, as to the average returns and produce of their paddy lands, which the villagers pretended yielded barely four and five fold, whilst the Deputy Commissioner's actual measurements on the spot shewed thirty and forty fold. In this difference, however, although the Deputy Commissioner was supported in his views by the native officers, he yielded as much as possible to the wishes of the cultivators of the soil; and when I visited Tavoy afterwards, they acknowledged the liberality and kindness of the final arrangements which had been made.

10. Mounгда and Theinda were the chief conspirators, and both of them were actuated by feelings of dissatisfaction at the loss of power and influence which they had exercised under the Burmese Government. Mounгда was a man of notorious bad character. He had displayed treason and treachery towards his own Government once or twice before our troops came to Tavoy, in 1824; and, on that occasion, although he took all the merit of having seized the Burmese Governor and delivered the place over to us, there were others who acted with more decision and courage in that affair. Mounгда acted from a belief that the British Government would appoint him the Governor of Tavoy, and for some time after our troops occupied Tavoy, he was treated with all the honours of a Governor, and was even allowed to exercise the power of one. Ever since these honours and powers were curtailed, Mounгда has been attempting to restore Tavoy to the Burmese, and when apprehended by Colonel Wolfe in 1825, and again when sent up to Rangoon by me in 1826, instead of his being punished for his offence, the Commissioners at Rangoon, as I have said before, sent him back to Tavoy without prejudice to the pension which had been originally granted to him of 500 rupees a month, being at that time ten times greater than the salary of our highest native officer. That pension, as far as is known to me, was never confirmed by the Supreme Government, and, therefore, in 1827, when the Deputy Commissioner proceeded to Calcutta, I desired him to point out that such a pension was far above Mounгда's wants or merits, and that it should be reduced to 200 rupees a month, and the remaining 300 rupees allotted to the Tachen Chief Mounгзат and his followers, who had solicited Sir A. Campbell's protection at Moulmein. Even 200 rupees a month were twice as much as the salary which was afterwards fixed for our highest native officer. The reduction of the pension, of course dissatisfied Mounгда; but the loss of all power and influence, contrary to his original expectations, and the desire of recovering such under a Burmese Government, and restoring himself to the favour of the King of Ava, as his intercepted letter to that monarch shows, were the real motives which induced him to plan the late revolt against us.

11. Theinda was a Chitkh under the Burmese Government, and he once served under Mounгда against Siam. From the time of our first occupying Tavoy, he retired into the interior to the north of Tavoy town, and seldom or ever came near an European. He was in heart and soul a Burmah, and always most

adverse to our Government. He appears lately to have visited Oozina's camp, and upon his return, he used the influence which he possessed from his former situation, and from his bold and determined character, to corrupt and overawe the head-men of the ten villages around his usual place of residence to the north of Tavoy, all of whom, with many of the inhabitants under them, he succeeded in collecting and bringing down to attack our magazine. The head-men of these ten villages had held military commands under Moungda and Theinda during the Burmese Government.

12. Upon the subject of Mergui, I have little to add in addition to Major Burney's despatches of the 11th and 26th Sept. The enclosed copy of a letter from Captain B. precludes the necessity of my making such observations as I should otherwise have considered it my duty to have made. I have accepted this officer's resignation. To judge with fairness of that officer's conduct, it is perhaps requisite that a person should have been placed in the same situation; and yet Captain B.'s long residence at Moulmein; his experience during the Burmese war, and his acquaintance with some portion of the territory between Tavoy and Mergui, might, I think, have led him to receive with more distrust the tale of a force of 900 Europeans at Moulmein having been destroyed, and of a Burmese army of 5,000 men marching overland from Tavoy to Mergui during the height of the south-west monsoon. I am surprised also, that upon such intelligence as that he received at Mergui, he should have addressed an official letter to the Penang Government to apprise it, that the whole of our establishments in these provinces had been cut off by the Burmese. To obviate the evil consequences of such a tale at Penang whence it might be carried hastily perhaps to England, the deputy Commissioner has judiciously sent down a vessel to Penang with an official contradiction of Captain B.'s report. In the room of Captain B. I should beg to submit, that Captain H. Macfarquhar, of the 40th regiment B.N.I., may be appointed my assistant. I am told that the circumstance which before precluded Government from complying with my request in favour of Captain Macfarquhar no longer exists, and I am satisfied that that officer's knowledge of the Malay language would render him particularly qualified to take charge of Mergui, where so large a portion of the inhabitants speak that language.

13. I am convinced that no observation which I may make, can enhance the estimation which the Governor-General in Council will form of the conduct of my friend Major Burney, during the late unfortunate disturbances. The political and military talents displayed by him were no more than what I before knew he possessed; but the address and judgment with which he disarmed the jealousy, apparently felt towards him as being a Bengal officer, directing the energies and securing the cordial esteem of the officers of Fort St. George, deserve the highest commendation. I trust the Government will reimburse him for the heavy losses which he has sustained, and give him the benefit of such rules as are in force in regard to a civil servant losing his property under similar circumstances. In the situation held by Major Burney, it is necessary that he should furnish himself with more furniture, stores and books, than what an officer of the same rank has occasion to do when serving with his regiment.

14. My enquiries lead me to join heartily with Major Burney, in bringing to the most favourable notice of the Supreme Government the conduct of Sub-Conductor Corley, Apothecary Bedford and Serjeant Richardson, who served the artillery at Tavoy, and also in soliciting the Governor General in Council to testify by some token in the shape of a medal, his sense of the services rendered to our Government by the Chinese residents at Tavoy. The fidelity and attachment of these men—their strenuous exertions to be of service to us, and the devotion which their head-men showed to Major Burney's family, from the first moment the revolt broke out, are circumstances which will do honor to the most civilized race in the world. As the Chinese have lost nearly the whole of their property, I have thought it but just to assist some of them with small loans from the public treasury upon good and adequate security, to enable them to prosecute their usual mercantile pursuits. These loans are of course duly returned in the accounts current submitted from Tavoy and Mergui.

Dated, Fort William, 26th December, 1829.

SIR,—I am directed to acknowledge the receipt of the several despatches Major Burney's despatch of 11th Sept. enumerated in the margin, and to communicate Ditto ditto, 26th ditto. to you the following instructions and observations Mr. Maingy's A. ditto, 17th October. from the Governor-General in Council. Ditto B ditto. Ditto 19th ditto. Ditto ditto, 13th Nov. Ditto ditto. Dec.

2d. You have already been apprized by my despatch of the 20th ultimo of the sentiments of Government, with respect to the conduct of your late assistant Captain B. and the other officers who retired from Mergui under the circumstances detailed in the reports of the Deputy Commissioner, under date the 11th and 26th of September, and you will express to Major Burney the entire approbation by Government, of the prompt and judicious measures pursued by him in re-occupying Mergui. You will also communicate to Messrs. Corbyn and Dromgoole the thanks of the Governor General in Council for the nautical skill and intelligence displayed by those gentlemen, as reported by Major Burney, in navigating the Hon. Company's steam vessel *Diana*, during such unfavourable weather and under such critical circumstances.

3. The Governor General in Council approves of your having annulled one of the temporary appointments of Master Attendant, then at Tavoy, made by the Deputy Commissioner; but, it is hoped that you may hereafter find some other means of employing Mr. Dromgoole, of whose service during the late events both at Tavoy and Mergui, Major Burney has made so very honourable mention. Upon referring to my letter of the 23d February, it appears, that it was originally proposed to you to abolish one of the offices of Master Attendant, either at Tavoy or Mergui, and if you are now of opinion that such an appointment is requisite at Mergui, the Governor-General in Council has no objection to your retaining Mr. Emmott at that place, upon the reduced salary of 150 rupees per month.

4. With respect to the eight conspirators at Mergui, who were sentenced to death by the Deputy Commissioner, subject to the confirmation of Government, and on four of which prisoners you recommend such sentence to be carried into effect, I am directed to observe, that in consideration of the examples which have already been made at Tavoy, of the long time elapsed since the date of the sentence, as well as with advertence to the manner in which most of the prisoners conducted themselves after they heard of the suppression of the revolt at Tavoy, particularly in having sent out boats and provisions in search of Captain B.'s party, and having taken care of the public treasury, his Lordship in Council is very unwilling to visit their crime with the utmost severity of the law, with exception to the case of one of the prisoners Bawa Saib. That individual having held a confidential situation under Captain B., and not being a Burmese, had fewer motives to commit treason, and to abuse, so grossly as he appears to have done, Captain B.'s confidence; and, with regard to him, the Governor-General in Council authorizes the execution of the sentence of death which has been passed upon him. With respect to Moungh Showegyah\* if you can satisfy yourself by good proof of the fact reported, that he had lately pledged himself at Ava to create a revolt at Mergui, and continue to be of opinion, that he should suffer death, you are authorized to carry his sentence into effect; but, otherwise, you will commute it into imprisonment for life or such term of years as you may deem fit. In regard to the two other prisoners mentioned by you, Moungh Showe Ya and Moungh Thoon Myat, His Lordship in Council is pleased to commute their sentences to imprisonment and labour on the roads for a term of five years. The remaining four prisoners sentenced by the Deputy Commissioner Nga Shwen, Nga Tshi, Moungh Bo and Nga Ait, may be released and ordered to quit the Tenasserim provinces.

\* This individual afterwards made his escape from the Amherst, and succeeded in reaching Ava, where he joined the Prince of Tharawadi, and was concealed and protected by him. He's now in command of King Tharawadi's Body Guard, and his father is the Governor of Bileng, near Moulmein (1838).

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SOME THOUGHTS UPON FANCY BALLS.

"Are you going to the fancy ball?" "What dress are you going in?" "I don't know." "I must not tell you." "Let's get up a group." Such are the words we hear wherever we go in reference to the approaching Victoria fête.

Now we confess to being no cynics; we have our seasons of levity as well as others; we can attend a ball without sneering, and a theatre without disgust; we do not exactly think with Doctor Johnson, that dancing is "a very awkward way of getting from one end of the room to the other," nor do we at all take part in the puritanical stage-persecutions of Reynolds, and Prynne, and Jeremy Collier. We hate the very name of the "cropped Puritan," the author of the "Histrio-mastix," we have read through his bulky quarto, commiserating his delusion; and have visited the narrow cell, where they imprisoned him, pitying his unhappy fate, though we almost think that he deserved it. For writing the "Histrio-mastix" the Star-Chamber sentenced Prynne to lose one of his ears and to have his nose slit because he reflected upon the Queen and the ladies of her court, alluding in most irreverent terms to some "masques" lately acted at the Palace, in which the Queen herself took a part. The sentence was a heavy one, but to libel a Queen, because she enlivened her court with a masque and was herself one of the masquers, is no very trilling offence. If there be any whom we are little loath to condemn, it is those, who causelessly condemn others. We quarrel not with those who differ from us in opinion, but into the gaunt sides of the Leviathan of intolerance we are ever to hurl our lance. We do not like to be condemned wholesale for going through the evolutions of a quadrille, or arraying ourselves in a fancy costume.

A recent writer on morality, for whose opinions upon most subjects we entertain the highest respect, speaking of masquerades and fancy balls, before he passes on to a heavier censure, indulges in a pleasant vein of caustic dryness, and informs the reader, that "if the pleasure which people derive from meeting in disguises consisted merely

in the fun and drollery of the things, we might wonder to see so many children of five and six feet high, and leave them perhaps to their childishness." Now, with all due submission, we consider this a piece of egregious twaddle, and entirely built on the foundation of a mistaken philosophical system. Jonathan Dymond may have been a great moralist, but we hold that William Wordsworth is far greater, and he has taught us a noble lesson in the following lines of the "Excursion":—

The dignity of life is not impaired  
By aught that innocently satisfies  
The humbler cravings of the heart; and he  
Is a still happier man who from those heights  
Of speculation not unfir, descends  
And such benign affections cultivates  
Among the inferior kinds.

In our opinion the theatre of humanity presents few nobler spectacles than that of a great man unbending. Is there an anecdote in all Plutarch's biographies more delicious than the little story of Agesilaus playing in the nursery with his children? How different from this the account we have of Themistocles, who, when he was asked if he could play upon the flute, replied "No, but I can take a city." This answer has been much commended; but we think that so far from its being indicative of a lofty mind it bears the impress of a very little one. In the first place it was exceedingly irrelevant, reminding us (we love to ridicule these swellings of pride) of the man, who, when he was asked if he knew German replied "No; but I have a cousin who can play the German flute;" and in the next place it was eminently absurd, as pride always is; for Themistocles would not have been a little the less great as a soldier for being more skillful as a musician; and, indeed, he would probably have been greater, as the old fable of the unstraining of the bow testifies in illustration of my theory. The greatest men of all ages have been the most lowly-minded, and the wisest philosophers in their hours of relaxation, have condescended to the most puerile disportings. Mr. D'Israeli, in his "Curiosities of Literature," has a chapter on the "Amusements of the Learned," to which we would refer our readers for further

illustrative proofs. Take it upon our philosophy, sweet friends, that nothing is so little as pride, nothing so contemptible as contempt: remember, ever remember, that,

He who feels contempt  
For any living thing hath faculties  
That he has never tried—that thought with him  
Is in its infancy.

The greatest minds are those which can best accommodate themselves to all circumstances; which can move with the stream without being soiled by its impurities; ever humble and ever cheerful; gathering blessings and dispensing them every where; able alike to creep and to soar. "I should approve," saith Montaigne, in one of his essays, "a soul that hath divers stories in its structure; one that knows how to bend and how to slacken; that finds itself at ease in every condition of fortune; that can converse with a neighbour of his buildings, his hunting, or any trifling dispute between him and another; that can chat with a gardener or carpenter at pleasure."

We had no intention when we commenced this article of writing in such a sober, didactic strain; we have been unconsciously betrayed into gravity; we purposed a light article, and unless we make vigorous efforts, this will prove, we anticipate, a very heavy one. So now to our theme right manfully. The whole world, the whole Calcutta world, the *beau monde* of course we mean, is interested in the subject of which we treat. Our subject is "Fancy Balls." We apprise the reader of this once again, for we think it not improbable that whilst he was wading through the moral speculations with which we commenced this essay, he may have entirely forgotten the real subject-matter of our discourse. Fond as we are of these speculations, fond as we are of literary seclusion, of poring over books, of endeavouring to write them, of our plaid dressing gown, our worked slippers, our loosened neck-cloth, our silent room, we nevertheless have a wonderful sympathy with the ball-goers and contrive to enjoy ourselves in "lighted halls" full as well as in the hermitage of our study. We carry our philosophy with us into the ball-room (for our philosophy verges upon optimism, and is not therefore unsuited to such scenes), but our book-craft we ever leave behind us—we forget that we have "ever seen Wirttenberg, ever read book"—our thoughts, our whole thoughts are with the revellers; we never wander back in fancy to the books which we have left open on our table, or the essays half finished on our desk. We go to a ball to enjoy ourselves, and enjoy ourselves we do right heartily.

But a fancy ball is our especial delight. We love to see our friends discarding their every day costume, and to shake hands with them in the habiliments of a strange country, or in the dress of some well known character, be it real or be it imaginary, drawn from the pages of the historian, the novelist, or the

poet. We love to anticipate how they will look before the day of the festival arrives; and afterwards to think of how they looked, and to identify them with the characters they illustrated, whenever we read of those characters again. For instance, if we were to see — as a Neapolitan peasant girl, could we ever read or hear of a Neapolitan peasant girl without thinking about —? Or if she were to take it into her head to represent sweet Amy Robsart, would not the bare mention of "Kenilworth" call up the fair image of our kind friend to flit across the magic mirror of our memory? But setting aside these pleasures of association, the mere spectacle of a fancy ball has much, very much to delight us. We love to see the heterogeneous assemblage of all ages and all nations gathered together, as by some strange process, within the walls of an assembly room. We like to be present at what the author of "Vivian Grey" calls a species of amusement in which usually a stray Turk and a wandering Pole looks sedate and singular among crowds of Spanish girls, Swiss peasant girls and gentlemen in uniform; even this has far more diversion in it than the endless monotony of white muslin and white satin which we are wont to see in our every-day ball-room assemblages. But we like a little more diversity than that described by Mr. Benjamin D'Israeli. Miss Burney and Theodore Hook give rather more variety to their respective accounts of these entertainments. "Dinomos of no character," says the lady, describing a masquerade in *Cecelia*, "and fancy dresses of no meaning, made, as is usual at such meetings, the general herd of the company; for the rest the men were Spaniards, chimney sweepers, Turks, watchmen, conjurors and old women; and the ladies, shepherdesses, orange girls, Circassians, gypsies, haymakers and Sultanas." And Mr. Hook, in one of the best chapters of "Gilbert Gurney," speaks of "the boisterous mirth of the Moll Flaggons and Irish hay-makers, flirting with delicate die-away nuns and aristocratic flower-girls; fat monks dancing with Swiss peasants; knights in armour lounging on sofas with Indian queens; Doctor Ollapod, in close conversation with Alexander the Great, and Caleb Quotem seriously arguing a point of etiquette with Henry the Fourth of France. We especially delight in these strange intermixtures, and can almost fancy ourselves in the Elysian fields when we behold the junction of those who could not possibly have met together on earth. It is for all the world like Lucian put in action, or Lord Lyttleton's "Dialogues of the Dead," illustrated in a series of tableaux. Pleasant too is it to see the well-known animosities of great men; animosities which have devastated nations, now laid aside by mutual consent, "positively for one night only," to see Oliver Cromwell dancing with Henrietta Maria, Charles the 1st arm in arm with Hampden or Pym, and the Earl of Essex neglecting Queen Elizabeth to pay his devoirs to Mary Queen of Scots. Pleasant too is it to see the characters of a novel or a drama acting quite

a different part to that for which the author designed them; to see Mary Avenil listening delightfully to the Euphuisms of Sir Peircie Shafton, and Esmeralda preferring the conversation of Claude Frolo to that of Count Phœbus de Chatempres. Ione smiling upon Arbaces the Egyptian. Fenella dancing to music and chattering with unceasing rapidity.

The ghost in hamlet talking "small talk" with his son, and Macbeth very civilly offering to give Macduff a seat home in his carriage. Pleasant is it to contemplate these incongruities and there are abundance of them at every fancy ball.

Individual characters are far preferable in a fancy ball to those which are merely national. There may be fifty Swiss peasant girls in a room to one Fenella or one Esmeralda. It has been easy too to individualize a character ever since we have had the *Waverley* Novels to assist us. And this reminds us that we have often longed to get up a *Waverley Ball*—a ball to which we would admit no one without a costume drawn from one of Walter Scott's novels. A Shakespearean ball might do as well, given upon a similar plan. Hundreds of admirable characters may be found in the writings of these two great men. What variety, too, of costume of all nations and all ages, and what beautiful groups might be formed by the agreement of parties of friends. For groups we are great advocates; nothing gives so much effect and so much interest to a fancy ball as a few good groups. The meaning of a single character, however well sustained, may be unapparent to the greater part of an assembly, and the very excellence with which the part is supported may perhaps expose the actor to censure. A man cannot ticket the name of his character in large letters upon his back; but all eyes are directed towards a good group, and one character explains another, so that not one of the number is lost. There are varieties of descriptions of groups, national, historical, dramatic, illustrative, any one of which is sure to be effective. In England they are very frequent, but why do we so rarely see them here?

A historical ball would be a fine thing—a ball illustrative of a particular epoch. There is an exceeding good description of such a festival in one of the latter volumes of "*Vivian Grey*." It was got up at Vienna by Madame Carolina. Her idea was ingenious; to use her own sublime phrase, she determined that "the party should represent an age!" Great difficulty was experienced in fixing upon the century, which was to be honored. At first a practical idea was started of having something primeval, perhaps ante-diluvian, but Noah, or even Father Abraham, were thought characters hardly sufficiently romantic for a fancy-dress ball; and consequently the earliest post-diluvian ages were soon under consideration. Nimrod or Sardanapalus were distinguished characters, and might be well represented by the master of the stag-hounds, or the master of the Revels; but then the want of an interesting lady-character was a great

objection. Semiramis, though not without style in her own way, was not sufficiently Parisian for Madame Carolina. New ages were proposed and new objections started. The Grand-duke advised "something national," so they thought of Charlemagne, and then of the age of Frederick the Great, but neither of these would do for Madame Carolina. At last somebody, just as the "Committee of Selection" was beginning to despair wofully, proposed the age of Charles the Fifth, as being one which would allow of every cotemporary character of interest of every nation. The suggestion was received with enthusiastic shouts and adopted on the spot. The "Committee of Selection" was immediately dissolved, and its members immediately formed themselves into a "Committee of Arrangement." Lists of all the persons of any fame, distinction or notoriety who had lived either in the Empire of Germany, the Kingdoms of Spain, Portugal, France, England, the Italian States, the Netherlands, Americas, and in short in every country in the known world, were immediately formed. Von Chronicle, rewarded for his last novel by a riband and the title of Baron, was appointed Secretary to the "Committee of Costume." All guests who received a card of invitation were desired, on or before a certain day, to send in the title of their adopted characters and a sketch of their intended dress, that their places might receive the sanction of the ladies of the "Committee of Arrangement" and their dresses the approbation of the Secretary of Costume. By this method the chance and inconvenience of two persons selecting and appearing in the same character, were destroyed and prevented. This was altogether a magnificent conception, and it turned out a magnificent ball. What an age for illustration! what hosts of great characters to represent! Charles the Fifth, and Francis the First, and Henry the Eighth of England! Montmorency and Lautrec, and the Constable of Bourbon; Bayard, Barbarossa, Pompeio Colonna, Luther, Melancthon, Erasmus, Ignatius Loyola, Sir Thomas More; Ariosto, Rabelais, Paracelsus, Machiavel, Corregio, Albert Durer, Michael Angelo, and hosts of other men great in story. And then for the ladies, Margaret of Navarre, and her name-sake Margaret of Austria, Louise of Savoy, Katharine of Aragon, Anna Boleyn, and Lady Jane Grey. We can imagine nothing finer in the way of a gala than a party given after a fashion like this. It would be something distinguished and unique. It would have the advantage, too, of sending people to their books—no trifling advantage this, for in the cold season at Calcutta literature is somewhat at a discount, and it requires some very exciting stimulus to induce society to read. Perhaps a *Waverley Ball* would answer the purpose, and be equally out of the beaten track. We content ourselves with throwing out these loose hints; we leave others to improve and to act upon them.

We have but a few words more to say upon this subject. A personage in Miss Burney's *Cecelia*, at a fancy ball, says to the heroine

"Enquire of almost any body in the room concerning the persons they seem to represent, and you will find their ignorance more gross than you can imagine; they have not one thought upon the subject; accident or convenience, or caprice has alone directed their choice." We trust that no one will be able to say this at our approaching *Victoria Ball*. We little doubt but that we shall have characters in plenty, and we hope to see those characters well sustained. We do not wish to see Home, to use Shelley's words, "looking more like Despair;" Momus quite out of sorts;

the Master of Ravenswood gleesome as a Yorick; and Domine Sampson courteous as a Raleigh. We care not what inconsistencies of juxtaposition we see, as long as each character is consistent in itself. Miss Burney speaks of a mad Edgar "running about the room and calling out "*Poor Tom's a cold, so vehemently that he was obliged to take off his mask from an effect, not very delicate, of the heat.*" This is, we think, the self-climax of self-negation. We hope that we will see nothing like it to-morrow.—*Bengal Herald*, Jan. 14.

## MOFUSSIL MAGISTRACIES.

*To the Editor of the Bengal Hurkaru.*

SIR,—It has lately suited the Subjantas, "the omniscient seven wisemen," to think of the amelioration of our judicial system, and the reform of the department has been brought under consideration, and it is the duty of every well-wisher of India to point out the radical errors requiring reform. I have previously attempted to do so as far as regards abuses prevailing in the external operations of the system. The evils that most prominently strike a by-stander, on viewing the practices obtaining in the interior of a magistrate's office are,

1. The grievous delay occasioned by the lengthy depositions to be written in all cases in that most lengthy language, Bengallee.
2. The subordinate magisterial officers being at the same time employed in collectorate duties.
3. The impunity with which perjury is committed.
4. The toleration of the gangs of low, cunning, villainous mooktears.
5. The negligence exhibited in not causing the principles and reasons of the orders passed to be thoroughly explained to the parties concerned.
6. The want of vigilant supervision over the Amlah.

(1.) The tardiness in the despatch of criminal business has been too frequently complained of and too loudly to doubt of its existence. The superior authorities themselves have owned, that there is somewhat of harshness in keeping a prosecutor three months away from his family at the cutcheree gate, somewhat of cruelty in keeping witnesses the same period in the same plight, and that there is something approaching to the torture of the ancients in confining a prisoner six months under trial and rotting in jail. Other causes of this delay have been noticed in my last letter. A further one is the necessity lately

imposed in Bengal, of recording all depositions in Bengally and whilst presiding on the bench. In Persia the question and answer can be written by the time the presiding officer is prepared with the next question. In Bengallee each question and answer takes on an average an extra minute to record, during which extra interval there is nothing to be done but twirl your thumbs, pare your nails, perhaps cut your finger and lose your temper. These extra wasted intervals at the close of each day average an hour, at the close of a week amount to one day. Consider yourself working only five days a week instead of six, and imagine the delay and consequent misery you are entailing on the various parties at your Court! I do not intend by this to advocate the continuance of Persian. In my humble opinion the introduction of Bengallee is most beneficial, but let it not thwart its own beneficial effects by causing the above delay. Let it be always maintained in cases of any importance, but in trivial ones let the questions and answers be *vidæ voce*, and a Bengallee abstract of the case, evidence, &c. signed by both parties, and containing the orders passed thereon be the only record. The abstract with the signature of the parties will stand in lieu of the lengthy depositions and be sufficient in appeal. A great relief will be afforded, other business will come quickly forward and be quickly disposed of, the odious delay will be removed, and if there is a plan to secure the good will of the natives, it will be that by which this sore evil of delay is remedied.

(2.) In like manner as magistrates should not be Collectors, the subordinate magisterial officers should not be employed in collectorate duties. It might have been possibly urged, that there was no necessity for abolishing the recording of Bengallee depositions in trivial cases, as the magistrates subordinate might record them. But in the first place, there are many trivial cases connected with landholders and police, which the Magistrate alone should handle, as by the subordinates' decision of one of these apparently trivial cases, he may act in direct contradiction to some principle

which the Magistrate may be most anxious to inculcate respecting these two classes, and in the next place, the subordinate sits only three days in a week in the magistrate's office, and thus the delay would probably be increased, not diminished, by transmitting the cases to him.

So this remedy is inapplicable, and cannot arise from the union; and besides this there is much more of evil in the combination. For instance, the subordinate is every alternate night obliged to break off in the investigation of a criminal case, for the purpose of converting himself the next day into a stamp vender, statement reviser, or some such reptile. In those alternate days what opportunities are offered to the wily Bengallee to weave stronger and thicker his tissue of fraud, whereas had the case been continued the next day no encouragement to grosser acts would have been afforded by such like importunities, and the previously sliasey deceit would have been without further delay exposed and duly dealt with. In every large district such as the 24-Pergunnahs, Hooghly, Nuddea, Moorshedabad, Burdwan, Midnapore, Jessure and Dacca, there is plenty of work for both a separate magistrate and joint magistrate all the week, month and year round. It may be true that the collector requires assistance, but it is only in office detail, and his hovery pack of Regulation IX. deputy collectors can surely afford him that; and thus a covenanted deputy seems superfluous. In further proof of this, it is a notorious fact, that where the offices of magistrate and collector are united, the collector's work was done by the principal, the Magistrate's work by the subordinate, i. e., the joint magistrate, and a deputy collector existed but in name. It will be asked if young men are not trained for collectors, where are those typifications of bumbailiffs to be procured? The answer is to be found in the old directories, from which it would appear, that the juniors had the choice of three separate lines, the judicial, the revenue, and the political. Let things revert to that state. Further, it is impossible to serve two masters, God and Mammon, and it is almost so to serve a magistrate and a collector. For instance, as a joint magistrate on Monday, you have to punish a party of jovial bacchanals for remaining till "the little hours" at a *Restaurateur's*, and in your deputy collector's office on Tuesday your most thriving and punctual abkar in the person of the *Restaurateur* aforesaid, throws up his shop assigning no reasons and merely leaving you "to send in a better man" in 15 days if you can. The experiment at least should be made to allow a separate joint magistrate to each of the magistracies of the large districts.

(3) In our Courts Ovid's sentiment of "*non bene conducti vendunt perjurate testes*" seems obsolete. Impunity to perjuries, appears to be an acknowledged privilege allowed in British judicature. The idea has certainly

grown on the native mind that, *qui peccare licet peccat minus*, and even when discovered the slightest excuse saves them from commitment, and the magistrates appear to think *non peccat quicunque potest peccasse negare*, every body exclaims why is it so? The quirks and quibbles of Mahomedan law in these cases, render a reference to the nizamat adawlut generally necessary; and session judges dislike references, and magistrates study the likes and dislikes of session, judges, and sooth their consciences by the illegal act of indicting six months' imprisonment under the indefinite section 19, Regulation IX. of 1807, denominating the crime in the statements under the indefinite name fraud ("sureebkaree") besides the magistrate has not time to connect all the perjuries that "press him in from every side." The required remedy of "moral regeneration cannot be effected in one day has the *suaviter in modo*," and unless it be effected our criminal justice will never be reformed. Let it be so by the "*fortiter store*," let the superior authorities watch that every perjurer be committed, and when convicted let the culprit receive never less than seven years' imprisonment with the ancient wholesome discipline of 30 rattans, and the *tusheer*. Criminal business may then be expedited, the magistrate may be relieved of the irritating duty of wading through confusing masses of perjury to decide a case, and every assistant need not be told in taking his seat for the first time on a judicial bench and asking advice from the principal, that he is to decide on the evidence, and recollect that "every witness is perjured."

(4) "*Turpe, reos erupta miseris defenderas lingua*" is far too sweeping a sentiment, but the class of mooktears employed in criminal cases is well known to consist of those whom the landholders in a district do not consider sufficiently respectable to be intrusted with the business they require transacted in the collector's office, and thus the scum of this race are forced to employ their versatile talents in fabricating false charges or screening delinquents from criminal punishment. They are aware that they are the despised of their germs, and as nothing tends to blunt a man's moral feeling more than the losing the sympathy of his fellow creatures, their morality is at a very low ebb, and no measure is too vile, no lie too barefaced, no cruelty too heartrending which they will not attempt in order to obtain their ends. The remuneration for one particular case is not the incentive to such villany, but the deeper they dive in the sink of iniquity, and the more successfully their arts rescue themselves and their employers from the punishment due to both, the more surely "*illi turba clientium set major*," and the more certain is the future worldly prosperity of their career. It is known that a mooktear employed in a particularly revolting case of torture on the part of a landholder, having taken measures to delay the trial in the interim, manufactured a similarly featured case, making an innocent ryot



of the landholder's play the part of prisoner merely to discover the probable tenor of the questions and investigation of such a case in order to be more readily prepared for the extrication of his wealthy client. To enumerate similar feats would be far too lengthy a task. To obviate these evils should be the object. The only remedy, and the only method of weeding these hot beds of perjury and abomination, is by strictly and unremittently punishing every wilful offence of fraud, and dismissing every offender from employment in any court in any district. Even this would not be complete alone and of itself, because the instigators and modellers of all these villainies do not always appear in court in a tangible shape, but compound their preparations in their own houses. Not unfrequently the noxious animal yclept a thannah vakeel is the initiative, and consulting with his "learned brother" of the bazaar of the sudder station, carries on the case, both remaining invisible. The check to be enforced is to allow no thannah vakeel, and whenever the active instigators may not be forthcoming, to inflict double punishment on the passive instruments of fraud. These thannah vakeels are enabled to flourish in the good will of the darogah, and more prosperously, nay officially to carry on their system of roguery, by being the gratuitous assistants in the darogah's correspondence department. No doubt can exist of the expediency of abolishing these thannah vakeels, and appointing Government police assistants.

(5.) The adage of "too much of a good thing," &c., seems to apply most strongly to the reiterated orders of the Court of Directors to the effect that not only should justice be, but all India should be *impressed* with the certain knowledge that justice is administered: for although every magistrate administers justice in all equity and good conscience, very, very few take thought whether the people receive the impression that he does so. For instance, the magistrate decides a case and dictates his *whereas-es* in Persian or Hindoostanee, they are recorded, no one interprets them, and the Bengallee can by no earthly possibility know the reasons of a decision, and receive the *impression* that justice is done him without paying for more stamp paper to obtain a copy of the proceedings and more agency to translate it to him. Here, as every where, the inability of our officers to carry on a colloquy with the Bengallee in his vernacular, is painfully evident. Again, you punish a police chokeedar and you furnish the instructions for his future guidance, and for saving him from punishment hereafter, through the medium of an unintelligible language. How can you expect the rules and principles you wish inculcated to be so? Further, the explaining the reasons of every decision *vis à voce* to the parties in the vernacular is an actual saving of time, for many merely from want of this explanation have

felt dissatisfied, and inundated the superior courts with appeals.

(6.) In the present time there is some supervision over the omrah, formerly there was none; but even still a peculiar tact and management is wanting, to make that supervision complete, namely, the art of implanting in every mind the perfect confidence and knowledge that such supervision does practically exist; the secure belief that extortion is not winked at, nay participated in by the superior, the thorough certainty in the lordly zemindar that no omrah can screen him, and in the poor peasant that none have authority, right or power to demand aught from him. It is not over easy to command this tact, it requires an exact and medium course of pilotage to prevent the servant fostering the mischievous idea that his master looks upon him with suspicion, and at the same time to preclude the encouragement shewn to an industrious officer from tempting him to abuse the kindness exhibited towards him, by making it appear "the outward and visible sign" of his own all-powerful and at the same time all-purchaseable influence. It is difficult to lay down a rule for the attainment of this tact demanded for the supervision of the omrah; tact must always depend on the character of the magistrate, and is a trait which should be more component of and more requisite in it, than any other; it is, in fact, a combination of talent, temper, and judgment. I may mention this much, that the magistrate should be sufficiently acquainted with the habits of life of his omrah to enable him to pretend to know more than he does without exposing him to the chance of displaying blundering ignorance on the subject; the other minutiae must be met by the desiderated tact. In concluding these remarks, I must add my conviction, that the peace and happiness of every individual district is as mainly dependent on the character of every individual magistrate as on the general system; that it is most incumbent on Government to train up officers in the judicial line, who may be qualified to secure these blessings to the country, and to allow them such a competence as to preclude the necessity of magistrates who should at any month in the year be moving east, west, north and south, calculating whether their personal means will allow them to expend 50 Rs. on a sudden dāk journey to a thannah and back, (an expense the Government will not pay, unless they themselves order the trip) and to prevent the prevalence of the distressing and demoralizing idea that judicial officers, the protectors of the people, and the responsible guardians of the comfort of millions, are, forsooth—"the rejected of the Revenue Board."

Yours faithfully,

EXPERTIS CREDE,

[Hukara, Jan. 27.]

## THE OPIUM QUESTION.

We think that one of the best arguments that can be used against the injustice complained of is that the trade of one of the principal commercial depôts in the empire has been seriously affected by it. Had prices kept down in Calcutta many parties here who entered largely into opium speculations would have held back either partially or altogether, as they could not in that case have sent their commodity to the China market, but at a very heavy disadvantage with the Calcutta drug.

But on comparing the extravagant rates fetched by the Bengal opium with the comparatively moderate prices of their own, the Bombay speculators thought they might with some chance of safety invest a much larger sum in their purchases than they had otherwise intended. It never once occurred to them that the condition of a Government sale would be violated, or that those who had with a full knowledge of the market and perfectly aware of the ruinous consequences that might follow desperate speculation, would be allowed a modification of the terms upon which they had voluntarily entered with Government in a commercial transaction. Such a thing was altogether unprecedented, and they, the Bombay or any other traders, might reasonably be permitted to calculate on the chances of gain which were held out to them in consequence of a bad bargain made by others under the hitherto unviolated sanction of a Government sale. Had inducements been offered by Government to the buyers, to enhance the demand for opium, as had the uncertain prospect of a speedy opening of the Canton market been represented to a certainty, then might Government have been with reason called upon to step between speculators and their losses, but the same sources of information were open to both parties, and the one was as fully apprized of the probabilities of advantage or disadvantage as the other, and we therefore contend that in no point of view whatever are the dabblers in opium entitled to relief from Government. If they are entitled to relief then also are the traders of Bombay, who on faith of *bonâ fide* transactions having been entered into between the Calcutta Government, and the buyers, made their calculations accordingly and are entitled to be indemnified for the injury they must sustain by a violation of that transaction. The opium shipped to China by the latter, instead of being laid down there on somewhat favourable terms, will have to compete with the Bengal drug at a disadvantage hitherto unexperienced; the relative values of the two will be completely altered, and the holder of Malwa will be surprised by the late advices to hear that Patna and Benares opium will be brought forward at prices varying from ten to eighteen per cent. less than their previous letters had led them to anticipate. What

will be the inevitable consequence of such a disparity? That the dealers in Malwa must submit to a similar depreciation in the price of their commodity, and that too without any assistance from Government to enable them to meet such an event. It is alleged by some that the delay which has taken place in the shipment of the drug from Calcutta must operate in favor of that from Bombay, the latter of which will be all in the market while a great part of the former cannot be expected to reach it for some time. This argument we consider as altogether out of the question, because from the stock on hand in China we see but little probability of any which has been shipped for some months back being cleared off before the arrival of what is now on hand in Calcutta. Since then an evil, and that by no means a slight one, has to be submitted to, to whom is the injured party to apply for redress? The Marwarries who have sold the opium, are certainly the last people in the world from whom mercy in such a case may be expected. They, as is notorious to all, contributed greatly to enhance the rates at Calcutta in the hope of benefiting themselves by a similar rise here, and although partially successful, did not attain the height of their expectation. They are consequently disappointed, and even, had they entirely met their wishes, we could not look upon them as at all likely to make up even at the next sales for the losses sustained by the buyers at those of the present year. Such demand would be treated as it ought to be, with ridicule, for who ever heard of one speculator making up for the losses of another?—and they being speculators themselves might as reasonably call upon the merchants to indemnify them for any depreciation they might have to submit to during a heavy season. The Calcutta Government have caused the injury, and to them most naturally ought we to look for reparation; and were the bonus to be returned to be divided with Bombay we should deem it as nothing but an act of justice. It would not only place the speculators of both places on an equal footing, but also tend to modify the general impolicy of the measure itself. Not that it would at all diminish or alter the sentiments we entertain above expressed; these would remain the same; but if an injustice is to be perpetrated at all, let it be with as little injury as possible. If the step can yet be retraced it were the wisest course to do so; if it cannot let the sufferers here as well as elsewhere have due consideration. If nothing can be done for us in Calcutta, we might at least receive redress here. The Supreme Government might authorise the Bombay Government to devote from the account of duty on opium passes such a sum as might if rateably divided, in some degree relieve those who have been injured here by the grant complained of. At all events we

recommend a public meeting of all interested in the question, and indeed of the mercantile community generally. At such a tribunal will the most efficient measures be recommended either for present redress, or to guard against the recurrence of a similar grievance. —*Bombay Gazette, Sept. 9.*

We have refrained, during the long discussion which has been agitating Calcutta on the subject of opium, from adding any observations of ours to the verbose debate; because the pretensions, set up for a bonus or reduction on the part of the opium holders, were so novel and extraordinary we could never anticipate that any Government would lend an attentive ear to such preposterous requisitionists. We could not help thinking all along, that the heads of some persons in Calcutta had become a little heated, and that a slight castigation on the part of the Government would have established again the equanimity of the opium speculators, and induced themselves to ridicule the extraordinary presumption, not to say impudence, which induced them to speculate so largely on the gullibility and credulity of the Bengal authorities. But when we saw that, instead of experiencing a rebuff, an opening seemed to present itself to the clamours of the petitioners, we could with difficulty suppress a rising indignation, which we only managed to stifle, from an intense eagerness to see to what a pitch of folly and mischievous precedent a government could be impelled by a vociferous but undeserving mendacity. We are unable in this day's publication to view the act which the Bengal Government has now consummated in its various important bearings and relations, but no course, we can affirm, was ever pursued more intensely calculated to create an unfavorable impression of the purity of authority, more injurious to fair trading or more encouraging to wild and reckless speculation, than the bait which the Government has thrown out, to pamper the cravings and ill conditioned appetite of a few opium jobbers and speculators. But the evil does not stop here; the position in which the Government has placed itself is so eminently false, its intentions are of such difficult divination that few will believe it actuated by those motives, founded on an anxiety for the maintenance of the revenue, which have been so industriously and so innocently put forth to justify its injurious policy, and to amuse a few perhaps, but not, we apprehend, to deceive any one. We may ask, by what right a Government thus interferes with respect to any branch of commerce, and that a questionable one too, as it has done in this instance? We may inquire why a Government thus abandons its just and noninterference position; why it dabbles with the free competition in opium, that noxious drug as respects the main purposes for which it is intended, more than with any other article of commerce. We ask why opium, contraband opium, an article more destructive of human life and happiness than perhaps any drug or compound

in the known world, is to be the pet of our Indian rulers, for the display of a mischievous system of finance, and of a meddling interference, rather than any of those numerous articles which are the subject of an useful and virtuous interchange and commerce. But if the conduct of Government in this particular has surprised us, not the less has the barefaced declaration which some part of the Indian press has put forth with reference to that fraction of the opium trade which is conducted at Bombay. The *Calcutta Courier*, as our extract will shew, shamelessly proposes that the Government should seize upon the Portuguese settlements of Diu and Damaun. For what? For this, then, and no other, for this pious and beneficial object,—that it may annihilate the opium trade of this side of India—to protect the monopoly, to gratify the spleen, and to fill the purses of its subjects of Bengal, to the emptying of ours, and to the ruin of this now flourishing community. A community as British, loyal and having as much and just claim on a paternal Government, as the grasping Bengallees themselves. We hardly know whether, in the history of profligacy, we have read any thing worse than this, any scheme more cold-blooded or better calculated to sow a lasting dissension in these British possessions, or better conceived to operate the annihilation of a Government of opinion.—*Bombay Courier, Sept. 12.*

The late concessions to the Opium Merchants in Bengal, have been a most fruitful topic of discussion in the Calcutta papers, and no sooner do these give it a respite than it is taken up warmly at the other presidencies, where, however, the writers have not the opportunity of seeing the wheels within wheels in operation, and consequently can only argue upon some broad principle, being of course liable to error in proportion as they are misled by misstatements or concealment of facts. In the *Bombay Gazette* just received more than two columns of editorial are devoted to a censure of the Government for having remitted any thing. It is indeed admitted that the biddings at the sales were much more than the value of the article,—that even the prices of the June sale “astonished every one” in Bombay,—that—

“In the face of the most gloomy accounts from China of the inactivity of the Bombay market for the drug, and the general apprehension of a still further depression in the demand at Canton, the speculators of Calcutta involved themselves deeply, we may say ruinously, in the purchase of the article. The prices offered could only be authorized by the most favorable accounts of the market, and as prudent men—as men of the character of merchants, they ought to have held back from the article altogether unless they could obtain it upon moderate terms. They are themselves to blame, and Government, in its anomalous capacity of Merchant, was perfectly right in taking the best price it could get for its commodity.”

So far well: our contemporary presently startles us with two assertions—

1st “The people who could afford to pledge themselves for so large a sum as the total purchase-money of the opium, could be very little affected by the loss among them of the comparatively small amount remitted, and rather than stultify themselves, as they have most egregiously done, in the eyes of the mercantile world, by offering more than a commodity was worth, and quite aware at the time how much they were exceeding the bounds of rational speculation, they ought to have submitted to a loss which, though considerable when taken by itself, dwindles into insignificance when the whole amount thus recklessly pledged to Government is taken into consideration.

2nd. “The most extensive dealers in the drug, who will of course be the principal sharers in the remission, must be fully aware that, but form their avaricious grasping of the best part of the market to themselves, prices would never have risen so preposterously high. Had they not contributed to enhance the rates, the produce of the season would in all probability have been much more generally distributed. People of more limited capital would have entered into competition with their richer neighbours, and the returns for the opium being in a much greater number of hands, would be offered at a more favourable rate to the public, both as regards the commodities of trade and bills of Exchange. But no; not only did those desperate men grasp at a monopoly of the opium market in China, but also at a monopoly of the returns from that country,—and all this to the disadvantage of the whole mercantile community except themselves.”

Our brother of the *Bombay Gazette* must have a very princely notion of the wealth of the Calcutta opium merchants when he considers a loss of thirty lakhs of rupees a mere trifle to them, and these not the whole body but a few “avaricious, grasping” firms and individuals, who ran up prices in order to make “a monopoly of the opium market in China,” and keep the *profits* of the season to themselves; and that not content with this, they would monopolise the *returns* too! Why, the general complaint is the want of any returns at all this year; but how the returns, when they should come, are to be monopolised to the disadvantage of the rest of the mercantile community we cannot imagine. The rest of the mercantile community in Calcutta who meddle with the opium trade, are either Armenians and natives who take advances from the principal firms connected with China and get the surplus proceeds remitted to them through the same channel, that is, the channel of these supposed monopolists whose principal interest it is to get *all* the returns as quickly made as possible, for the amount of their advances as well as for the surplus, if any; but, alas! this year there has been no surplus at all on any shipment we have heard of—nothing redrafted for deficiencies, and that to a very large amount. Or they are general Merchants and Agents connected with London,

and Liverpool, and Glasgow, who make the opium trade a medium of circuitous remittance through China, or means of providing funds to corresponding firms at Canton for the execution of orders for teas and silks, &c., destined for England. Would the *Bombay Gazette* have a competition between the the levianthan *monopolists* and “people of more limited capital?” It was to be found in abundance at all the four regular sales of the season; and to the large proportion of the latter class, or rather to the numerous bidders who had little or no capital at all, and not to the large capitalist purchasers, has been justly ascribed most of the evil of the excessive prices given and the embarrassed position in which Government has been placed. The positive necessity of a sacrifice in their case combined justice with expediency in the remissions to others. But while our contemporary at Bombay blames the Government for the general measure it did adopt, he declares his opinion that it ought to have adopted a general measure of still a bolder character, and for the reason that it would have pulled down prices more than the other—to such rates as to tempt prudent men to buy:

“We think that Government ought to have taken this last view of the case, and have thrown the whole of the opium unshipped back upon the market. This would have been only fair dealing, and the speculators could not possibly have any objection to such a course. On that which had been already shipped no remission whatever ought to have been given.”

The above proposition, or some thing very like it, we believe, was actually entertained. But we may be permitted to express some surprise to see such a proposition from the same pen which deprecates remissions involving much less sacrifice, and which in our opinion will not prove so acceptable a bonus to the *monopolists* as this would have been.

Our brother of the *Gazette* next takes up the *Hurkarar's* comparison between the case of the opium merchants and the land revenue; and forgetting his own proposition, which we have just quoted, treats the 28 or 30 lakhs of opium remissions as if they were a voluntary gift, contrasting strangely with the sparing character of the remissions for failure of crops. The severity of the Land Revenue system we shall not attempt to justify; but the cases are not similar, because the opium was uncleared and the Government *could not* realize the nominal prices at which it was sold: just as in the case of a talook under sequestration and not worth the arrears of revenue, leaving therefore a deficit if forced to sale. Now, we would ask our brother at Bombay, if he is really so much attached to notions of general principle, as to derry the propriety of any attempt to save important interests from ruin, even by measures not calculated to injure but to benefit (by lessening the loss of) the public revenue.

Is it not the duty of Government to look to the general interests, and lessen as much as

possible the commercial as well as other calamities which may befall the community? To have denied relief in any shape in the present instance, would have been, in respect to expediency; as unwise as the flat refusal of President Van Buren to grant any sort of relief to the money market in America; and the consequence would have been, relatively speaking, as injurious perhaps to the interests of the Bengal revenue as well as of the applicants themselves. It is asserted by some reflecting persons, that the measures will be highly disapproved of by the Court of Directors. Very likely, that the Court of Directors should blame their Indian Government for the exercise of a discretion under which the opium revenue yields some thirty lakhs this year more than it did the last, and about a crore in excess of an average of years previous to 1836! And very likely too that they will condemn the postponement of sales and of dates of payment (these were equally the subject of outcry here) when they do the same thing *ad libitum* in England—even to the extent of postponing for six months the term of a Bill of Exchange; which by the last accounts they have done to relieve the importers of India goods consigned through them, from the necessity of selling in the present low state of the market.—*Calcutta Courier*, September 20.

We publish two letters on the matter of opium, one from the Chamber of Commerce of Bombay to the Secretary of the General-Government, and the other, the reply of the Calcutta Chamber to the Secretary of the Board of opium on the proposed plan of conducting the sales in future. The first of these letters is a complaint of the serious injury likely to be inflicted on the trade of Bombay by the recent *opium bonus*, and praying, that should the measure not have been carried into effect, the policy of its adoption may be reconsidered. This is no more than might reasonably be expected. It is impossible for the Government to favor one class of merchants without bearing hard upon some other, and we fully expect, that when the Bombay people are informed that the money is in course of payment, they will then petition for a refund of the duties which have been paid by them to Government on the Malwa of the present season. We can see no reason why such a petition should not be granted as well as that of the Calcutta folks. There is no pretence for saying that the Malwa trade is irregular or carried on by *interlopers*; the encouragement it has received from the General Government, by the granting of passes, is a complete legalization of the traffic, and the whole reasoning of the Calcutta petitioners, as to the difficulties under which they have been placed by the new restrictions in China, is as applicable to the Malwa drug, which meets theirs in the same market. In short, from the liberal disposition already shewn by our rulers, the Bombay merchants can hardly doubt that Compensation will be made to them, for the injury they must sustain from an act of the

Government. They have only to send in a petition stating the facts, and the treasury here will, we presume, *shell out* the thirty seven lakhs said to have been paid them in duties, as the interests of the revenue can be shewn as clearly to be promoted by such a gift as they were by the sum bestowed upon the Calcutta merchants. But the Bombay people should lose no time, for we cannot say what orders from home may interfere with further distributions.

With regard to the Calcutta letter, it will be seen that the merchants think the evils so loudly complained of arise not so much from the badness of former rules as from their *tax observance*.

They recommend, therefore, an inflexible adherence to any new system proposed as the basis of reform.

They agree in the expediency of most of the Board's suggestions, nearly as we reported at time of the meeting. The conclusion of the letter, however, deserves perusal, and will, we think, meet some attention in England, whatever it may do here.

It was stated in a letter which we published on Tuesday, that a part of the Malwa supply is actually obtained from the Company's advances. We should doubt much whether any quantity worth consideration is thus surreptitiously supplied to the Malwa traders, if it is, the Company are indeed feeding a rival at their own expence, but a smuggling trade of such a kind cannot, we should imagine, be long carried on without being discovered.—*Englishman*, Sept. 22.

No. 131 of 1837.

W. H. McNAGHTEN, Esq.,

Secy. to the Govt. of India.

Sir,—A report, which there is good reason to believe may be relied on, having reached this presidency that the Right Honorable the Governor-General in Council have come to the determination of returning to the buyers of Patna and Benares opium of this season, a portion of their purchase money to the extent (on the average) of Rs. 200 per chest, I am requested by the committee of the Chamber of Commerce to request that you will bring to the notice of His Lordship in Council the serious injury, such a measure may necessarily inflict on the trade of this port.

2. The trade in Malwa opium hence to China, forms one of the most valuable of the port, and has this season been entered into on a larger scale and induced the embarking of an unusual amount of capital in it, in consequence of the high price obtaining for Patna and Benares and the consequent favorable opening thereby offered for competition by their enhanced value.

3. The committee deem it unnecessary to offer an opinion on the causes of the great advance in the prices of the drug in the Calcutta market, but may briefly state that the natural effect of that rise was doubtless increased by (as is known here) several of the Marwarrees and others interested in its cultivation, who had bid high and purchased largely at the Calcutta sales, solely with the view of upholding the price of their own drug in this Market.

4. To return therefore to these parties, or, indeed, any others, any portion of their purchase money, would, the committee respectfully submit, be to encourage a repetition of a line of conduct they had already found so successful and to foster a spirit of wild speculation opposed to the interests of the country.

5. The committee do not, however, rest their objections to the proposed grant on the ground above, but on a well founded apprehension, as they respectfully conceive, of its being destructive of that confidence in the government public sales which is so essential to the natural interests of government and the public; and they further hold that the most extreme case of emergency would barely justify a violation of the conditions of such sales, and are constrained to add that they are impressed with a conviction that such a procedure is subversive of a recognized principle of trade—that no government should stand between speculators and their losses.

6. In conclusion I am called upon and earnestly beg respectfully to solicit that, should the reported contemplated measure of Government be not yet carried into effect, the Right Honorable the Governor-General Council will pause and reconsider the policy of adopting it; or if already adopted that it be followed up by an unqualified assurance that it is not to be considered a precedent, and that on no further occasion will such concessions be granted; and this is the only course likely to restore that unbounded confidence which ought to prevail.

I have the honor to be

Your most obedt. servt.

MARCUS F. BROWNRIGG,

*Chairman,*

*Bombay C. C. Sept. 3, 1837.*

S G PALMER, ESQ.

*Secy. Board of Customs, Salt and Opium,  
Fort William.*

Sir,—I have laid before a special meeting of the Chamber of Commerce held this day, your communication of the 31st ultimo, furnishing a copy of the Board's report of the proposed improved plan for the future regulation of opium sales, on which they are pleased to

invite the early expression of the Chamber's opinion and suggestions.

Concurring fully with the Board as to the necessity of an immediate and thorough systematic reform, the Chamber is of opinion that the evils so generally and loudly complained of have not had their origin so much in any defects in the former conditions of sale, as in the lax observance of those conditions, and the frequency of unexpected and injurious deviations.

That the new rules therefore, or that any rules, should be efficacious, without an inflexible adherence to them pre-determined on and guaranteed, it is unreasonable to expect.

The Chamber will now proceed to discuss the proposed new conditions seriatim.

Par. 4. "Deposits to be made at a fixed rate of one thousand rupees per lot 5 chests, 200 per chest."

This is considered an unobjectionable proposition and an obvious saving of needless computation to all parties, while the amount appears to be sufficient to afford all reasonable security to Government, and a complete check to the jobbing of men of straw. Should any unlooked for variation in the price hereafter occur, the Government may re-adjust the amount to about 20 per cent. of the assumed sale price.

Par. 8. "That promissory notes payable at sight, shall be given, in the sale room and at the time of purchase for the amount deposits."

The Chamber would recommend that the promissory notes be made payable at the Bank of Bengal and that all those not discharged by 5 P.M. on the 3d day, be returned to the Board that the resale may be effected on the 4th day.

They also are decidedly of opinion, that such promissory notes should be redeemable only in cash and not by Government securities, as the most effectual mode of securing the due clearance of the opium.

Further, they deem it expedient that, instead of promissory notes, parties buying should have the option of giving accepted cheques, which will be received in part payment of the price.

And they would hold it as advisable, that a discretion be reposed in the Board to reject any bidder who may not be sufficiently known, or may be considered doubtful.

Par. 9. "A re-sale be held for the realization of deposits on the 4th day after sale, and that no deposit tendered on the day of sale be accepted."

This is quite proper.

Para. 13. "That the price of the opium shall be realized within one month from the date of sale, or, in default, forfeiture of deposits, and the opium to be sold on account of Government."

The Chamber approves of this rule.

Para. 14. "That the department shall give a discount on clearances made before the expiration of the month allowed at the rate of the Government interest of the day, say for the present 4 percent per annum."

This appears objectionable, a needless increase of intricacy and of computation, altogether inconsistent with improved facilities and simplifications. Buyers have inducement enough to clear for the sake of pushing on for a market, and those who do not purpose to export are not likely to be induced to "clear" by a discount that ready money (if they have it) can any day earn and obtain prompt clearance could only be effected by a higher discount than the bazar would give.

Para. 16. "A refusal on the part of this office to receive deposits from any but the party who stands as purchaser in our sale book granting receipts only in his name and delivering the deposits back when clearance is only made to him."

Agreeing to this arrangement, it is important with a view to facilitate transfer from hand to hand so necessary in this trade, that the provision, "or to his order" be introduced at the end of the clause.

Para. 18. "Appropriation of an assumed investment of 19,000 chests.

	Chests.
"On the 1st Jan.....	6,000
1st February.....	2,500
1st April.....	5,000
1st May.....	2,500
1st June.....	3,000

Chests..... 19,000

Instead of the above appropriation the Chamber would recommend the following as a more convenient distribution.

1st Jan. or 1st Monday of January	6,000
1st Feb. or 1st Monday of Feb...	2,000
15th April or 3d Monday of April	4,000
1st June or 3rd Monday of June	3,000
15th July or 3d Monday of July..	4,000

Chests..... 19,000"

The first and last sales of the season may with propriety be larger than the intermediate ones, in consideration of their being none before or after for sometime, and of the increased demand thence arising in the ordinary course of things.

The committee cannot be sensible of the high importance to Government of an expeditious

realization of the revenue, but it appears to be a question affecting the interests of the entire trade of this port, whether the vast amount value of 19,000 chests opium, say 190 to 220 lakhs of rupees, can be abstracted from the bazar into the General Treasury within the period promised by the Board, say from 1st January to "beginning of July," without manifest derangement to every other branch of business, and such interruptions to the wonted course of floating capital, that must entail general embarrassment and inconvenience.

The Board advert repeatedly, and with emphasis, to certain references to and consultations with the "principal opium merchants" and others assumed to constitute "the trade." Without stopping to examine the accuracy of the designations, it may be observed that the pecuniary importance of the previous dealings of any parties does not entitle their judgment to have with Government in deciding on the nature and extent of the proposed alterations, greater weight than may be due to the opinions of a more numerous body of merchants of equal respectability. Government and the Board are perhaps unaware that extensive finance operations emanating in England are pursued through the means of opium from India to China, and that this is the object of a very large part of the outward remittance in bills on the General Treasury. Funds of the class not being required in China till late in the year, are so arranged to fall available in India in June, July and August. At that period parties wishing to invest must have recourse (under the Board's scheme) to holders of opium at second hand, but who would gladly avail of public sales.

To this class of capitalists the frequent modification of sale conditions, the arbitrary and variable distribution of the sales, and above all the sudden postponement of such sales at the instigation of local speculators, offer such discouragements to engage in the trade, as must conduce to the diversion of large funds for investment in Malwa drug; indeed it is within the knowledge of members of this committee that the factitious support of prices of Bengal opium this season, by injudicious though well-intentioned indulgence of the Board, particularly known in the postponement adverted to, has been the cause of extensive operations in Malwa opium based on Calcutta capital and on resources from England sent out for remittance in the drug.

The consequence has been, the hastening of the Malwa produce to market, the pre-occupation of that market to the prejudice of the Bengal (as may be seen by the comparative deliveries) and to a certain extent the impoverishment of the money market here of funds for the want of which clearance is now so tardily progressing.

In conclusion, the committee cannot but notice with regret that the Board deem it essential to the restoration of general confidence in the due enforcement of sale

conditions that the personal and individual responsibility of the establishment must be pledged; but the committee fully concurs in the necessity of some specific and substantial or irrevocable guarantee, and common equity would seem to dictate that any infraction on the part of the seller, should involve a release of the buyer from his engagements; the situation relatively of the parties to the contract in the present case, peculiar as it may be in other respects, entitling them on either side to no exclusion, immunities or exemptions.

I have the honor to be, Sir, your most obedient servant,

(Signed W. LIMOND, Secy.  
Bengal Chamber of Commerce, }  
Sept. 7, 1837. }

[Ibid.]

As our evening cotemporary has his hands pretty full at this moment, with the observations of the Bombay and Madras editors on the opium question, it is scarcely fair in us to swell the fearful odds against him; and more especially as we have already punished him so severely. But in his Tuesday's paper he has not put the character of the Government interference in its true light with reference to the interest of the general merchant. "What right," he asks, "has the general merchant, by anticipation, over the property of the seller." We reply, no other right than the seller voluntarily contracts to vest him with; but when sales are advertised under the sanction of the government to take place at certain days on certain conditions, we contend that in equity and good faith the merchant, who makes his arrangements accordingly, ought not to be thrown over, either for the purpose of bolstering up particular interests, or of screening the neglect or frauds practised by subordinate officials. Had the Board of Opium, Salt and Customs proceeded with the 4th sale of the season, as it had pledged itself to the whole world, the general merchant would have had less to complain of. But not only was the sale postponed, but the very postponement was made use of as an argument to induce the government to furnish the means, by which alone the uncleared lots of former sales could have been shipped.

Here there was a direct interference to the detriment of the general merchant, whose calculations had been made on a prudent basis, and who would have been enabled to have carried his calculations into effect, had the provisions of the public sales been strictly adhered to.

The Government broke faith with one party, by an unwarrantable deviation from its own rules in favor of another. And it is no palliation to urge, as our cotemporary does, in his controversy with the *Bombay Gazette*, that "the opium was uncleared and the Government could not realize the nominal price at which it was sold." If the conditions of the sale had been enforced, there would have been a sufficient margin in hand made a resale unobjectionable in a financial point of view; and a question remains to be solved

why they were not enforced? If there were no deposits, who is responsible to the country for the omission? We guess there have been Governors-General who would have had answers to these queries long before now. *Mais nous avons change tout cela.* Our cotemporary is not happy in his analogies. The Court of Directors postponed the payment of the bills of exchange for six months, because the value of the security they held for their ultimate discharge was likely to be increased and because it was a general accommodation to the consignees. Here a "bonus" of £300,000 is given, because, as was professed, "we don't care whether we accommodate or not," and because in our opinion our security will be less valuable the longer it is uncleared. *Au reste*, we think it of very little consequence what tone the Court may adopt on the occasion, although we have some suspicion of its nature; for we feel assured that the death-blow has been given to this monstrous system, and that in a very few years it will, like its salt sister, be destroyed root and branch.—*Hurkaru, September 22.*

The "unanswerable" remonstrance from Bombay against the opium remissions has appeared in the *Englishman* this morning, whence we have transferred it to our column, together with a copy of the recent letter of the Bengal Chamber of Commerce to the Board on the subject of the future conditions of sale. This remonstrance is dressed up in the form of a letter to the Political and Judicial Secretary (by mistake) and bears the signature of Mr. Marcus F. Brownrigg, as Chairman of the Bombay Chamber of Commerce. Says the letter—"The trade in Malwa opium hence to China forms one of the most valuable of the port"—this to the Government of India cannot be very pleasing intelligence—"and has this season been entered into on a larger scale and induced the embarking of an unusual amount of capital in it, in consequence of the high price obtaining for Patna and Benares, and the consequent favorable opening thereby offered for competition by their enhanced value." A very plain avowal that unexpected advantages have occurred to the opium traders in Bombay, during the seven months preceding the measures now complained of; and since, if the letter had told the whole truth, those advantages have been realized by almost a monopoly of the China market and very extensive sales of Malwa opium there, while the Bengal drug was held back at nominal prices, it is quite clear the Bombay merchants have much more reason for gratitude than for complaint.

"The Committee" attribute the high prices at our early sales in a great measure to the biddings of Marwarrees and others interested in the Malwa cultivation. "To return therefore to these parties, or indeed to any others, any portion of their purchase money" would, in the Committee's opinion, be to encourage a repetition of the same manoeuvres, "and to foster a spirit of wild speculation opposed to the interests of the country." The plain



meaning of this is that prices will be kept up higher than they otherwise would be, which must be a benefit to the sellers, that is, the Government in Bengal and the cultivators in Malwa, which effect is any thing but "opposed to the interests of the country," whether we apply the remark to the Company's territories, or to Malwa, or to both. But "the Committee" immediately abandon this ground of objection, and take up another, that any modification in the terms of purchases once made will be destructive of confidence in the Government public sales; which, of course, must mean that people will be afraid to buy, or, in other words, prices will go lower in consequence, (precisely the same argument is used by Government functionaries against the former lax system of Collectors' sales). So then this Committee of the Bombay Chamber of Commerce are afraid of two effects; the one, that we shall have too many speculative bidders, the other that our sales will have too few bidders for want of confidence; which opposite effects may be left to neutralize each other.

They go on to say, that "the most extreme case of emergency would barely justify a violation of the conditions of such sales." We really cannot imagine a more extreme case of emergency, than an impossibility to get the conditions performed; but the assumption is untrue, for a mutual agreement between buyer and seller will always justify a departure from the first contract. There is still another false principle asserted in the same paragraph as "a recognized principle of trade; that no Government should stand between speculators and their losses." Where do they find this maxim? If it were in the power of a Government to repair all losses, it would be its duty to repair them: the objection lies in the impossibility. It does do so to a certain extent, when it remits taxes in consequence of any public calamity partial or general. But when a branch of the revenue happens to be collected through a monopoly of some article, such as salt, or opium, or tobacco, Government must, *quoad* the sale thereof, be considered in the light of an individual; and therefore, however desirable it may be that its proceedings should be as systematic as possible, it must be held to have the same liberty to make bargains and undo them, with consent of parties, whether the alteration be agreeable to the fixed-principle notions of by-standers or not.

The *remonstrance* concludes with an earnest hope, that the Governor-General in Council will give an unqualified assurance, that the late concessions will not be considered a precedent, and that "on no further occasion will such concessions be granted." In this prayer, the Bombay Chamber's wishes have been anticipated by a modification of the system, which will have the effect of rendering improbable the recurrence of a case of emergency requiring the cancelment of sales and other remissions for the protection of the revenue. One merit the letter has, that while it boasts of

the stimulus given to the Malwa trade this year, and descants upon the inexpediency of concessions to the Bengal opium buyers, it does not inconsistently put forth an absurd claim of indemnity for the merchants at Bombay. That piece of absurdity will only be found in the suggestions of our morning contemporaries. Yet one more remark before we conclude: the Bengal Chamber of Commerce voted that the bonus and remissions granted to the opium merchants here were a matter which it was not their province to meddle with as a body; how is it, that the Bombay Chamber consider themselves entitled to do so?—*Calcutta Courier, September 22.*

The *Bombay Gazette*, received to-day, accuses the Bombay Chamber of Commerce of having shewn too much forbearance in not putting forth a pecuniary claim for compensation to the merchants of that presidency for the injury done to their trade by the concessions to the opium merchants here. "First catch your fish," says Mrs. Glass, and so say we "First shew your injury." Why, the great outcry here has been that the measure kept up prices, and thereby prevented the prudent general merchant from buying. Pray, gentlemen grumblers, do settle among yourselves which opinion is the correct one.

We will take the opportunity of noticing a most unhappy remark in yesterday's *Hurkaru*, in defence of a deviation from commercial rules in England:—

"The Court of Directors postponed the payment of the Bills of Exchange for six months, because the value of the security they held for their ultimate discharge was likely to be increased, and because it was a general accommodation to the consignees."

Let any one compare the latter reason with the arguments at the beginning of the article from which we have quoted, and say if our contemporary has not argued on opposite sides; in the one case, maintaining the injustice of holding back goods from sale with "the general merchant" was looking out to buy;—in the other, defending the propriety of doing so. Whether the buyers in either case were retail purchasers or general merchants, or even gambling speculators, makes no difference in the question. But touching the disappointment of the "general merchants" by the postponement of an opium sale, it is worth remarking that we do not trace one of these disappointed gentlemen in the list of the buyers at the sale of the 15th instant. If the absence of their names was owing to their prudence (as we take for granted it was),—to their opinion that the prices were still too high, how can any one have the assurance to put forth or to abet a claim from Bombay founded upon the assumption of a forced depreciation of the markets by the measures of the Bengal Government? Does any sensible man doubt that prices would have fallen much more had all the lots of the early sales in default been forfeited and put up against?—*Cal. Cour. Sept. 23.*

# THE CALCUTTA MONTHLY JOURNAL.

1838.

## THE KHASSYA HILLS.

We are enabled this day to present our readers with a valuable paper on the climate of the Khassya Hills, from the pen of one in whose judgment the utmost confidence can be placed. It is a subject of much regret, that this region should have been prematurely condemned upon such insufficient evidence. Unfortunately Lord William Bentinck made up his mind definitively on the question of continuing the sanatorium at Cherra, by an implicit reliance on reports which ought to have been received with mistrust, while he rejected the experience of those whom he thought to be misled in favour of the place, and nothing could afterwards shake his determination. From that period, this spot has been treated with a degree of neglect by the public authorities, from which it can recover only by the slow accumulation of evidence in its favour. If the document we now publish, shall serve in any measure to turn the tide of public opinion in favour, we do not say, of Cherra, but of some of the various spots in its vicinity, which present a favourable site for a sanatorium, the labour of the writer will be fully compensated.

The resources of those hills are beginning gradually to be developed, and we anticipate that at no distant period, they will be found to furnish the elements of a valuable commerce, which shall carry the blessings of civilized life among those hardy and interesting mountaineers. Up to the 30th of April last, the quantity of India rubber supplied from the hills, and exported from Calcutta to England, exceeded five hundred maunds; but this can only be regarded as the precursor of a still larger export. In fact, the India rubber so abundantly found in our eastern provinces, not only on the Khassya Hills, but also in Assam, is so pure in its nature, and so cheap in point of price, that with due cultivation, we may soon expect to bring our caoutchouc exports to a level with those of the South American states. The growing demand for this article in England, and its increasing application to the various purposes of life, will at once afford a plentiful market for any quantity which these rich provinces can supply. The pine apple fibre may soon form another article of export. The sides of the hills

are thickly covered with this plant, reared by the hand of nature; and the numerous cascades with which they are adorned, afford a variety of situations where a simple machinery might be erected, and a series of pedals, worked by the fall of water, for the pounding of the leaf; and where the fibre might be cleansed with ease, and prepared for the market. With due attention, these hills would also supply the metropolis with potatoes, at the season of the year when our own indigenous supplies begin to fall us. And why should we despair of seeing the coal of Cherra, the finest in India, brought down the mountains by human skill and ingenuity, and delivered at Calcutta at six annas the maund, at which price it would be cheaper than the Burdwan coal at five annas? The supply appears to be ample, and only requires a tenth of the science which has accomplished such wonders in our native land, to be distributed freely over the country. When we consider that all these natural resources are situated in a region which might be reached from Calcutta in seven days, and which enjoys a climate, which, during eight months of the year, has no superior in India, we feel a sensation of deep regret that the station should have been so hastily condemned. Our eastern frontier is again acquiring a degree of importance from the apprehended hostility of the Burmese, and engineer officers, with sappers and miners, have been despatched to form a military road along the foot of the hills to Manipore; when their labours are completed, might they not be advantageously employed, while on the spot, in constructing a good road from Pandua to Cherra, and in examining the locality of the coal-mines, to determine the possibility of transporting this mineral to Calcutta?—*Friend of India, Nov. 16.*

On referring to a register of the state of the weather and of the temperature, kept from March 22d to October 28th of the present year, I find the following to be the results.\* The observations for the temperature were taken at 3 A.M., at noon, and at 4 P.M. The

\* The register was kept by Mr. Sullivan, Surgeon to the Silhet Light Infantry, who very obligingly gave it me for inspection.

thermometer, which was one of the ordinary sort, being placed in a verandah with an eastern aspect.

#### MARCH.

The previous part of this month had been very fine—of the latter 10 days, 5 with occasional showers.

The range of the thermometer was from 60 to 68. The mean temperature at noon, 64.

#### APRIL.

18 days were fine, and two only occurred of sufficient severity to cause confinement to the house.

The rain that fell during the month was considerable, but the fall generally happened at night.

The range of the thermometer was from 56 to 73; the mean temperature at noon, about 65.

#### MAY.

Of this month 20 days occurred of fine weather; 5 of constant rain, the remainder were squally or showery.

Range of the thermometer, 60 to 71; mean temperature at noon, 66.

#### JUNE.

17 days were fine; 10 of heavy rain, during 6 of which it fell without intermission; remainder, showery.

Range of thermometer, 61-74; mean temperature at noon, 67.

#### JULY.

Of this month 5 days were of incessant rain; 10 of heavy with intermission; the remainder, showery.

Range of thermometer, 62-72, mean temperature at noon, 67.

#### AUGUST.

Fine weather occurred for 16 days: rain fell incessantly during 5 days; the remainder were showery, one day being of heavy rain.

Range of thermometer 61-72, mean temperature at noon, 66½.

#### SEPTEMBER.

In this month 14 days were fine; 6 of very heavy rain; the remainder, showery. On the 16th and 17th 40 inches of rain were computed to have fallen, and in the 17th upwards of 50 inches.\*

Range of thermometer, 68-72; mean temperature at noon, 67.

#### OCTOBER.

In this month we have had 16 days of fine weather, and only one day of continued rain, the remainder have been partially showery.

Range of thermometer, 63-73, mean temperature at noon, 67½.

It would hence appear that of 213 days, 43 were so rainy as to cause confinement to the house: in other words, exercise could not be taken during one day in five. Now, as October, November, December, January, February, and March, are acknowledged by all the

residents here to be fine months, we may fairly ask where is the remarkably evident truth of the data on which Cherra has been condemned?

The question has nothing to do with the actual amount of rain that falls, for confinement to the house may be just as well occasioned by a fall of half an inch as by one of ten inches,—as well by a drizzling misty rain as by a torrent.

The equability of the temperature will be at once evident from inspection of the range of the thermometer; and in very well built houses, if a greater degree were desirable, it might certainly be obtained. The range in the open air for this month is from 45 to 90; the average just before sunrise may be estimated at 50-55.

It may be objected by the enemies of Cherra, who are their own enemies, that these data are not sufficiently minute to entitle them to great confidence. It is true that they were not made even with first rate instruments; but it admits, I think, of some doubt, whether a man of good sense and contented mind\* may not give a truer account of the weather and of its effect, than one unprovided with these qualities, but provided with delicate thermometers, and all the complicated apparatus, which, however necessary for the furtherance of meteorology, are by no means so in the selection of a sanatorium.

The condemnation of Cherra has arisen from causes of an unprecedented nature. Most people, who are natives of northern Europe, too gladly revert to the idea of enjoying something like their native cold to allow of the consideration of what are in reality minor points. We find no fault attributed to other sanatoriums; people flock to them, even from great distances, and return benefited in health, or if that be not a desideratum, they return delighted and refreshed in mind; but delightful Cherra lies under a ban; it is almost heretical, at least in Calcutta, to speak a word in its favour. This is strange, (but it is not very singular) because it enjoys a greater amount of advantages, than, perhaps, any other. Perhaps it is too near to be of its true value) for which a steamer one may exchange the heat of the plains for an equable and mild temperature in eight or ten days, and even in their ordinary slow mode of travelling in twenty or twenty-five.

The public generally requires the testimony of very many before it submits to be deprived of a substantial benefit. But if we apply this to Cherra, what do we find to be the case? We find it condemned by the few, extolled by the many. It would be an invidious question to ask who are the few? Strange to say the few, with one exception, are members of a class, whose profession is supposed to turn on the axiom of examining before condemning; yet they condemned Cherra, because they were there about ten days; because the

\* Here I beg to say I do not refer to myself, though my words are such as would lead some to suppose that I do.

\* It must be remembered, however, that there is no rain gauge at the station.

roads were not quite so good as those of Calcutta; because good house did not seem inclined to drop from the clouds for their particular reception; and because it did and would rain; as if rain was not to be expected on these hills at a season when on the plains the rains are at their height. From all accounts, they experienced as much discomfort as a veritable Londoner would, on finding himself dropped in some uncouth part of North Briton.

But although much mischief, no doubt, resulted from their exaggerated reports of the absolutely horrid nature of the Khassya Hills, yet the actual condemnation of Cherra was effected by a single individual, upon whose single recommendation Government determined on withdrawing of sanatorium. This, it must be supposed, could only have originated in the decidedly unfavourable nature of the official medical report. Still as the ratio of unfavourable to favourable cases has never been laid before the public, although in a pseudo controverted case like this, such a course might have been adopted, we may be pardoned for venturing to presume that such was not the case. At any rate the churchyard of Cherra is by no means full of the trophies of local skill, which, had the place been even unfavourable, one might reasonably have expected. We even hear from those who ought to know, that the recoveries were nearly as frequent as at other sanatoria, neither must it be forgotten that most of the invalids who were sent to Cherra, were only fit to fill a ditch, and be food for worms—not powder.

The subject, however, is capable of demonstration, and from the well known liberality of the Medical Board, we are quite sure that the necessary documents are at the disposal of any one in Calcutta who may be concerned in a point of such really vital interest.

But awaiting a mature examination of documents, let us put aside all considerations of Cherra as a dépôt for invalid troops; let us look at it as affording a safe, agreeable, and invigorating retreat from the "heat oppressed" plains. Even this modicum of a good name has been denied to it. "Rain is the grand evil. Even granting that "it never rains but it pours," what is the consequence in a place where a fire is looked upon as a necessary comfort?

Complaints against rain might be tolerated from a native of the Carnatic or the garden of Europe, but from a resident in India, and particularly from Bengal, it is ridiculous in the extreme. Will any one point out in what part of British India, except the Carnatic, June, July and August, are not rainy months? Can any one point out any place of India in which the intervals between the rain are not oppressive in the extreme? The mere amount of rain is nothing to the point; the grand requisite is the capability of rapid draining, and surely Cherra has a great advantage in this. Rain is inconvenient because it causes confinement within doors: it remains to be proved whether there is any thing either in

the quantity or quality of the Khassya rain more productive of confinement than any other rain. Besides this, the charge of excessive confinement is ridiculous; first, because it is not true; secondly, because a life on the plains is pretty nearly a perpetual scene of confinement.

We have no doubt that a preponderance would be in favour of Cherra over the plains in point of the actual number of days throughout the year, during which exercise in the open air may be taken; of course no one will attempt to deny its preponderance in enjoyment, for exercise here is always a matter of enjoyment,—there of constitutional treatment. We agree, that long confinement to a house is irksome; but which is preferable, confinement for fifteen days, and this is an extreme case, with the thermometer varying from 64 to 68; or vegetating for a similar period, including several days of confinement, with the thermometer, night or day never below 80?

We are not aware what the exact ratio may be between the quantity of rain at Cherra and that at Simla, or any other place on the Himalayas, on which, however, we have reason for believing it is excessive. The estimated fall at Cherra is probably exaggerated, for it must be remembered that one excessive fall need not give a general excess; and the probability almost amounts to a certainty, if we contrast it with the fall at other places, which has hitherto been considered excessive.

What has been said of rain applies equally to fogs or rather mists. No one hears of these at other sanatoria, but one does when Cherra is the subject. And yet we doubt their greater frequency at this place. Nor is this all, Cherra has been blamed, in addition to its rain, mists, bad roads, and at that time, sufficiently indifferent houses, for its bad spirituous liquors! which were of such a pervading nature, that prisoners in the solitary cells were actually found intoxicated. And this is urged with such gravity, that one would really suppose that it had been the fault of nature, not of the authorities.

Let us consider the advantages and disadvantages of Cherra. The former consist in its possessing a delightful temperature throughout the year; invariable, cool nights, so cool as to require warm covering; in the enjoyment of coal fires, and the capability of having, as much as is possible in Asia, in an English manner; in its table-land, allowing of the formation of excellent, and not dangerous, roads; its pleasing and certainly novel scenery; in the ease and rapidity with which it is reached in its proximity to Calcutta, and the capability of taking exercise with delight, if on horseback, throughout the day.

Its disadvantages consist in the extraordinary fact that a great quantity of rain falls in June, July, August and September; and in its mists; to these may be added that the houses are usually indifferent!

\* It can be reached within five hours from Terrya ghat; in this short space one may exchange a temperature of 85-90 for one of 65-70.

These disadvantages are common, with the exception, perhaps, of houses, to all the other sanataries appertaining to the Bengal presidency, and so are many of its advantages. Now, although Simla and Mussoorie, from their greater elevation and higher latitudes, enjoy a larger as well as greater amount of cold, yet we have heard it said that this is counterbalanced by the greater heat. Others, and these are the most valuable, are peculiar to Cherra. I allude to its being situated on a table-land\* to its facilities of access; to its proximity to Calcutta. Compare the list of disadvantages of Cherra with those of other sanataries, where we have rain and mists, and difficulty of access.† The presence of a terrai where the hills are really hills; consisting of nothing but steep ascents and descents, with no lack of precipices, and where the roads are so dangerous on account of this, that accidents are not very uncommon.

Now on which side does the advantage lay? We have, to be sure, much grander scenery in the one than in the other, but this is a very minor point. Who can doubt but that the balance is in favour of Cherra, deserted and villified as it is? The absurdity for such we do not scruple to call it, of condemning this place on the mere words of a single individual, does not rest here. He who condemned Cherra for its rain, mists, and spirituous liquors, apparently condemned the whole range between Bengal east and Assam; on what grounds he knows best, for it appears that he did not visit all, or indeed, any of the intermediate stations. Myrung, which has doubtless one of the best of climates, and which is the best on this precise line of route, is condemned because it is on the north side of the Boga Pancee, the depth of which ravine is scarcely 1,500 feet. It is condemned because it is three marches distant from the plains, although, as we have said, Cherra is reached in a few hours. We will venture to say, that a paralised case has scarcely occurred, even in India. Whatever the motives of the condemner of Cherra may have been; whatever the grounds on which he made his statement, he may be pronounced to have been egregiously mistaken. They, who decide on such important affairs, would do well to consider them duly previously to forming a final opinion; for the depriving a large European community of such benefit may cause, and no doubt has caused, a great deal of distress. Although we might withhold censure from one mistake, we are by no means disposed to do so, when for the alleged faults of a few acres, an extensive range of what may be called table land, forty miles in breadth, is equally condemned; and when we find that the same process is apparently going on with regard to the new site, highly spoken of by previous visitors of enlightened minds, because it too

has its fogs and mists and offensive midgets to boot (as well condemn a place because it has mosquitoes), because its being a new site there are no roads, strange to say, and because there being no roads, save the bed of watercourses, there is some liability of a delay of the dāk, whether the dāk is liable to be delayed eight days, or eight and forty, matters little to the European community at large, to whom, at least, such correspondence is not "big with the fate of worlds."

More of the philosopher and less of the discontented sojourner in India might be looked for in one who is the sole judge, and from whose fiat there would seem to be no appeal. We say it with regret, that the condemner of Darjeling is evidently one of no mental resources; who, else, could allude to the fogs, mists and midgets of the Himalayan range, in utter exclusion of all the magnificence displayed by nature in her various works, and which may be enjoyed and looked into although her face be under a mist? Glad are we that the Darjeling philosopher is not reporter general on sanataria, a for what place could possibly supply his desiderata? He only requires the absence of rain, clouds, midgets and spirits; the presence of an excellent climate, excellent roads, excellent houses, and a regular dāk.

For our part we say, go to Cherra, and visit likewise the interior, and if you can be delighted with a fine climate, good scenery, indifferently good roads, and a feeling of lightness and joy unknown below, you will forget rain and mists,—midgets, there are none,—and look at the arrival of a dāk with feelings of apprehension, lest it may contain matter sufficient for your recall.

The prejudice, however, against these hills would appear to be so strong, that writing in their favour will probably be of little avail. After what has been said by Captain Pemberton, in his "Report on the Eastern Frontier of British India," and we have reason to know that he paid particular attention to this subject, one might have supposed that fresh enquiries would have been instituted. We would particularly direct attention to the opinion of this officer, who, before giving an extract of an address made by the resident to the head local authority, says, "it may not be without effect, in counteracting a prejudice against the Cassyah Hills, which, if the opinions of men who speak experimentally be valid, is wholly unfounded."\* We particularly recommend the perusal of the extract from the address alluded to, which may be found at p. 354 of the same work. We fear, however, that nothing but the visit of some very influential people will persuade the inhabitants of the Indian Metropolis to avail themselves of such a benefit.

There is no doubt but that on this exact line of communication with Assam, Myrung is the most eligible site. No register has, I believe, been kept to any extent at this place, but by all accounts the climate is remarkably fine. That there is very much less rain, and that it

\* As has been observed, these hills cannot strictly be called table-land; yet when compared with other hills, except perhaps the Neilgherries they certainly deserve the title.

† Except Mussoorie.

\* Report p. 253—part. 76.

See Table 19 in Capt. Pemberton's Report.

is free from mists to a great degree, is universally allowed; and this may easily be explained by its central situation, and by intervention of two ranges of hills, both nearly 1,500 feet higher than the cantonments of Cherra, between it and this latter place. Still there are great objections to its selection on account of the want of any eligible level place of any extent, and as, pointed out by Capt. Pemberton, scantiness of water; this might, however, be easily remedied.

The view, too, is bleak and dreary to the west and north-west; but this is the prevailing feature. To the east it is more diversified, owing to the prevalence of fir trees. There are some fine woods about it, especially at Nangbree, or Sumbree, consisting chiefly of oaks, chesnut, and magnolias. Its grand charm exists in the beautiful view one has of the Himalayas, which are generally observable during fine weather from 6 to 7 A. M.

The elevation of Myrung, as given by Capt. Fisher is 5,940 feet, but we cannot reconcile this either with our own observations or with the elevation of other places given by the officer. Thus in Capt. Fisher's chart the measured height of Sumbree is said to be 5,914 feet, yet is it obvious to every one who has visited Myrung, that Sumbree is several hundred feet above Myrung itself. The same may be said of the height of Chillon-deo, the highest point in this direction: Capt. Fisher gives this as 6,200 feet; yet Myrung be 5,914 feet; Chillon is certainly upwards of 7,600. From our observations, taking the average of two or three trials, and of three thermometers, one of which has been verified, Myrung has an elevation of about 5,100 feet, Chillon 6,200 feet.

The general average of *decess* in our observations against those of Capt. Fisher, is 300 feet. Thus we find no point on the route between Cherra and Nonklow to exceed 5,600 feet, while Capt. Fisher gives several as exceeding 5,900 feet. We are disposed to place more confidence in those of this officer, than in our own, as his wore, I believe, made with the barometer.

The intermediate stage between Cherra and Myrung, is Mollong; bleak and exposed as it is, it is not without its charms to those whose memory recurs to the bleaker spots of the Downs of England, or who greet, as an old friend, the sight of a fir tree.

Between this and Moleem, and all round Moleem, the face of the country improves. About morning the scenery is very pretty, groves of fir trees becoming very common and the ground being diversified by the presence of huge boulders. Moleem, which is the prettiest place we have yet seen, is situated on the southern slope of the Boga Panee, which is here a very insignificant stream; its elevation is about 4500 feet, or 500 feet above the cantonment of Cherra. It is in this direction that the best sites are to be obtained. To the north of Chillon there is an extensive and well sheltered plateau, which seen from the summit of Chillon would appear very well

adapted for a sanatorium; of course, we cannot speak as to the facility of communication, or as to its supply of water.

The best place is now universally acknowledged to be the site pointed out by Capt. Fisher, and subsequently by Capt. Pemberton, near Nogundree. With the same elevation as Myrung it has the advantage of being near the Sylhet side, and in its great accessibility, neither the Kala Panee or Boga Panee requiring to be crossed. In freedom from rain and fogs it is probably inferior to Myrung.

For our own part, we decidedly prefer the interior; for delightful as is the feeling one experiences at Cherra, it will bear no comparison to that felt after passing Surneem. We believe that the difference in the temperature amounts to five or six degrees.

The withdrawal of the invalids, and the condemnation of Cherra, as a sanatorium, has been partly counteracted by its having been made the head-quarters of the Sylhet light infantry battalion. It is now resorted to by all the officers, civil and military, of Dacca and Sylhet, whenever an opportunity occurs. Within two years a great improvement has taken place, both in the houses and the roads; and, with regard to the latter, the improvement made in the interior is immense, particularly about the most difficult places, the Kala and Boga Panee torrents.

British ascendancy seems now to be complete, and to be approved of, as it always is, by the great bulk of the tribe. Considerable trade is now carried on in iron, the demand for this metal having lately much increased.

The intercourse between Sylhet and Assam which scarcely existed two years ago, is now very considerable; it consists chiefly in parties of pilgrims and merchants, of which last the bulk are Munnipoories. Every thing indeed tends to show that the spirit of improvement is abroad.

We will, therefore, conclude by congratulating the condemner of Cherra, &c., on his having escaped from the additional responsibility of having been the cause of injury both to the natives of the plains and the hills: he has quite sufficient to bear with reference to his own community, and the expense to which Government has been subjected.

The year in which the observations, on which Cherra is said to be so awfully afflicted with rain, were made, was of great severity, such as had not been known in the memory of the oldest inhabitants, it is not from such that philosophical men are accustomed to draw conclusions. Nothing can prove its excessive nature more than the alleged fall during two days in October, which is, as I have said, a fine month. So great is the quantity (225 inches in four months and two days) that a little scepticism is fully allowable. From this single excessive statement much prejudice has doubtless arisen against these hills on the Tenasserim coast; the average fall is probably 180 inches; instances of a fall of 240 are not

unknown. If excess of rain be injurious, would it not be more so on the plains, so to say of the tropics, than in a temperate climate? Yet this coast alluded to is ac-

knowledge by all to be exceedingly healthy. For our own part we look on rain as a bugbear, even if it should cause confinement for one day in every three.—*Hurk. Nov. 18.*

## IMPROVEMENT OF THE INDIAN POLICE.

*To the Editor of the Bengal Hurkaru.*

SIR.—Allow me to offer, through the medium of your paper, a few suggestions for the consideration of the police committee.

A plan for the improvement of the police of India should, I conceive, be grounded on the most extensive basis, and unless it should embrace the following points, I fear it will be found in a great measure ineffectual:

1st. The general absence of a correct moral feeling in the people.

2d. The difficulty of procuring trust-worthy evidence.

3d. The want of common honesty in the inferior officers of police.

4th. The irresponsibility of their situations, owing chiefly to the great distance at which they are placed from the magistrates.

5th. The want of leisure, of sufficient local experience, and not unfrequently under the present system, the want of discretion and judgment in the magistrate.

1st. The general absence of a correct moral feeling in the people.

Men are chiefly kept on or near the path of strict morality by three different motives: the belief in a future state of retribution; the wish of standing well in the opinions of their fellow men, and the fear of the laws. But before these motives, and especially the *two first*, can act effectually to regulate the moral conduct of individuals in the way most conducive to the welfare of society, it is necessary that the people should be sufficiently enlightened to have a tolerably right and correct notion of good and evil, and not bestow extravagant praise upon, or fancy eternal bliss will be awarded for, acts hurtful or at least indifferent to the happiness of mankind. In a country where the religion of the people seems to have in practice no other effect but to fasten the most absurd and degrading superstition without supplying any efficient check on the evil passions of human nature, where no public opinion restrains the evil disposed beyond the point where the power of the law ceases, the Government, or rather the law of the land, must extend the circle of its influence in proportion to the inefficiency of the usual checks founded on religious belief or notions of honour.

The laws of this country, since it fell under British rule, appear to have been in some measure framed under a mistaken notion of similarity of circumstances between England and India, where in reality no such similarity exists. Where public opinion extends its influence among all classes, and is with much reason considered a sufficient check

for minor offences which here it would be highly advisable, I believe, to enter into our criminal code. Here public opinion can scarcely be said to exist at all, or its influence among the natives is very generally misdirected. What has a man enriched by public or private speculation, a darogah, a sarishtadar, to fear from public opinion? If a native officer can only succeed in feathering his nest before he is dismissed from office for bribery and corruption, he enjoys his *otium cum dignitate*, on the product of his malpractices with as much of the *public respect* as if his wealth was only the well deserved reward of his services to the state.

Under the Government regulations emblezzlement of private property, and trickery in withholding the payment of a just claim, almost any falsehood short of down right perjury\* in the making up of a frivolous or vexatious complaint or replying to a just one, escape in many cases with *complete* impunity, if they do not even terminate, not withstanding the failure of the main object, in leaving an actual bonus, *pour encourager les autres*, to the party who resorts to such a course. Offences of this nature are either unknown in England owing to a difference of circumstances, or may well be expected to be sufficiently punished there by public contempt and attorney's bills, (a punishment which unfortunately falls equally heavy on the ignorant or deluded man and the rogue;) but here, where the former check does not exist, and the latter is generally evaded by the *comparative low rate* of legal interest, will it not be found advisable to subject, under well defined rules, the tricking and swindling rogue to some punishment, in the shape of a fine, increased rate of interest, or even imprisonment, which a judge, sudder aumeen or moonsiff might award at once on the trial of a civil suit, after a further inquiry at the expense of the state where this might be required, or without a separate investigation wherever this would be merely a repetition of the first one?

I am not aware of any rational objection to

\* Under the law as it stands any falsehood sworn to does not amount to perjury, unless it refers to some material point of the evidence, but the theory upon which this nice distinction is founded, cannot be understood by the very men most likely to perjure themselves. Perjury appears to them to go in great measure unpunished, so they see it at least in most cases, and the few instances which fall under their observation of a false witness meeting with due punishment, look rather like the result of a caprice in the judge than the natural and unavoidable consequence of a clause in the law. Why not have a graduated scale of punishments for perjury, to be inflicted in proportion to the importance of the circumstances falsely sworn to?

this course, and I believe a more efficient mode of checking frivolous and vexatious litigation, could scarcely be devised. The inclination of a man firmly to stand for his rights is a check to the wish which his powerful neighbour may have to tramp upon them, and perhaps we may hope to see the day when the honest man will meet with every encouragement in our courts, will resort to them with every prospect of being ultimately compensated for any loss or expense which a dishonest suitor may have unjustly entailed upon him, while the latter will be made to feel that, however artful and cautious he may be, he has no chance of escaping with impunity, that there is a provision in the law, and a disposition in the judge, which under no circumstances will allow a man to profit by his dishonesty, and will hunt down chicanery and roguery, &c., under any shape or denomination.

2d. The difficulty of procuring trust-worthy evidence in our courts.

The sooner we get rid of that solemn farce, yclept on our oath, the better. When it is well known that the most respectable members of the Hindoo community object on religious grounds to give evidence on oath, which they consider in some respect as an act of degradation, can it be a matter of astonishment that most of the witnesses brought to our courts are of that description of people who will readily give evidence in favour of either party who chooses to pay them? We have in point of fact, encouraged and fostered the prejudice which makes it to be looked upon as derogatory to appear as a witness in a court of justice, and after that we should not wonder that the use of perjured evidence is carried to the most frightful extent in our courts, especially as the instances are so few, where conviction and punishment can check a crime so difficult to prove, although its frequency is an insuperable bar to an effectual improvement in the administration of justice.

I submit, that the substitution of a *solemn declaration* on an *oath*, local investigations, the appointment of attestators in each village, comprizing all the most respectable inhabitants, a greater activity in prosecuting for perjury whenever there was chance of procuring conviction, would in a great measure do away with this deplorable crime. I grant, that some natives would hesitate to perjure themselves, who might not feel the same scruples in solemnly asserting a falsehood, but I believe the number of these are few, very few indeed, and against these as a set off may be brought those whose evidence is not procurable in the present terms, and who would be found ready to give it under a more rational system.

To require on oath from a man who has a religious objection to take it, involves a strange inconsistency. The whole presumed efficiency of an oath is founded on religious faith, but if the mere fact of taking it be considered as a sin by the man who has the weakness to obey the judge's directions to that

effect, upon what real ground does your supposition rest, that his faith once violated will still possess sufficient influence over him to ensure his stopping short of perjury, which, in his opinion, is but a second step in the sinful path into which you have forced him. You, in fact, first greatly weaken, if not absolutely destroy, the check upon which you afterwards rely to compel him to tell the truth against the inclination he may have to do otherwise.

But, besides, the principle is radically wrong and implies blasphemy discreditable to any legislation. No reflecting man would contend that an oath (a sort of *permission* (!) granted to the Supreme Being to punish the infraction of one of his most important laws) *increases* the sacred obligation to speak truth in a court of justice, and a solemn admonishment of the judge would no doubt suffice to impress that obligation on the mind of the witness without the mock ceremony of putting into his hand some drops of holy water, or *the book soi-disant* imported from Heaven! There is something degrading to the Majesty of a judicial court in that impious mummerly, that unholy sort of a connexion between "Church and State," and one would fain believe, that justice does not need to call to her aid the debasing influence of an absurd superstition for which both the judge and legislator evince on other occasions the greatest contempt.

3d. "The want of common honesty in the inferior officers of police."

I would fain hope, that the adoption of the above suggestions would in some measure diminish the evil, by making the usual malpractices of the officers of police a less advantageous and more dangerous speculation than they are at present; but nothing could obviate the injurious tendency of appointing in one district darogahs or other officers who have been dismissed in another for oppression and bribery, and a careful enquiry should be made into the previous conduct of a man who receives charge of an important appointment. Perhaps, it would be advisable, if his previous life be not well ascertained, to call upon him to make a solemn declaration that he was never dismissed from office, *such a declaration rendering him liable to the penalties of perjury*, should it afterwards be found to have been untrue.

It is now in the contemplation of the Government to open a road to promotion for the darogahs, and to increase their salaries, and this may no doubt have in time the most beneficial results; but of course it must not be supposed that a mere increase of pay, will turn a rogue into an honest man. The liberal intentions of Government will probably have no effect whatever on the present incumbents, and it would be wiser perhaps, to leave it to the magistrates to do so by degrees, as they satisfied themselves that each darogah under their superintendence deserved the intended boon.

The promotion from a darogahship to moonshifship ought never to be considered as a matter of course; and seniority is but a poor plea



where efficiency (which includes honesty and talent) is the object; nor should the inferior appointment be made a necessary step to the one, which would be keeping out of the service men of education and respectability, whose condition in society would not permit their taking charge of the inferior duties of police. A mistake of this description has, I fear, been in some respect committed, with regard to the principal sudder aumeenships, but without pledging *all* the higher appointments to the holders of the lower ones, as has been done in the latter case, a certain proportion, say one-third or half, might be so pledged and thus regularize and ensure the prospect of promotion.

4th. "The irresponsibility of their situations owing chiefly to the great distance at which those officers must be placed from their immediate superiors, the magistrates."

Might not this be greatly obviated by putting the darogahs in some respects under the jurisdiction of moonsifs? The latter are in general a superior class of men, their courts are seldom at any great distance from the Mofussil thannahs, and if the extent of jurisdiction was somewhat diminished they might, under the same powers possessed by a junior covenanted assistant just come out of college, check the oppressive proceedings of the darogahs, and try all petty cases of police on the spot without subjecting an injured party to the necessity of putting up with petty grievances, which may become almost intolerable when repeated over and over again, or to travel fifty or sixty miles to get an expensive and tardy redress in the magistrate's court. If at the same time the pay of the darogahs be increased, a road to promotion opened to them, any act of oppression or corruption more carefully inquired into and severely punished, the evils which must under any circumstances result from the exercise of an irresponsible power by an unprincipled man, may be expected to diminish in a sensible degree, but they will not disappear entirely until the natives show more energy in resisting oppression and more honesty in prosecuting their just claims.

5th. "The want of leisure, of sufficient local experience, and not unfrequently under the present system, the want of discretion of judgment in the magistrate."

It seems preposterous to suppose that a collector with his important revenue duties can find sufficient leisure to superintend the police of a large district which requires at least all the energies, the undivided attention of one man whatever may be his talent's and his zeal. But after all, I doubt whether the system which is gradually introduced of separating the duties of collector and magistrate will be any improvement if the charge of a magistracy must be entrusted to young officers without experience, and sometimes without energy or talent, to the imminent risk of the personal security, liberty and property of the natives of the soil. Much must of necessity be left to the discretion of

the magistrate in the fulfilment of his duties in which his conduct can never be so strictly confined by rules as that of a civil or criminal judge, and it is the more necessary to have none but chosen men in such situations which should besides be more permanent than they are. Under the present system, a magistrate is usually called upon by his turn of promotion to vacate his appointment at the very moment when he could have done justice to it, and so long as this continues to be the case, I fear there can be but little hope of a material improvement of the police in point of practical efficiency.

Could not magistracies be made equal in emolument to collectorships, either by increasing the salaries attached to the former, or bringing down on the removal of the present incumbents the large allowances of the more moderate stipends of magistrates, which might be raised in the same proportion? But after all, if this be not possible, if the covenanted service cannot supply, at a rate which the state can afford to pay, men of the description wanted, might it not be tried, whether, in the uncovenanted service of Government or in the unengaged portion of the India community, men could not be found willing and able, at a moderate cost to the country, to do justice to the duties of the head police officer of a district? Principal Sudder aumeens might be made eligible to a magistracy, but at all events it is highly desirable that the system which has so long obtained of considering nothing else but the personal claims of individuals, founded on seniority, accidental circumstances, &c. to important appointments, should be altered for the more rational one of having also some consideration for the claims of the community whose welfare may be very materially affected by the choice of the officer appointed to preside over it as magistrate or collector.

1st Nov. 1837.

AMICUS INDICE.

P.S. The natives of the country are in general so notoriously deficient in moral principles and energy as to make it highly desirable that European agency should be resorted to as much as possible. It matters little of what colour or religion the Government officers may be, provided they are men of honesty and ability. These *commodities*, in connexion with one another, are so much wanted here, that they may well be procured from any quarter where they are to be found, and at any price which the country can afford for them. Nothing is more inimical to any improvement in the moral principles of the natives of India than the example too frequently set by their countrymen in office, although the good conduct of the latter properly rewarded is no doubt a powerful incentive to imitate them, and none but natives of well-tried character should be entrusted with duties of high responsibility.—*Hurkarn, Nov. 23.*

# SELECTIONS FROM THE PORTFOLIO OF A JUDICIAL OFFICER.

## No. 3. *On the Police.*

"It sometimes happens that he who would not hurt a fly, will hurt a nation."—*Taylor's Statesman.*

It is my present intention to communicate some information respecting the past state of the village police in the province of Behar.

It is observed by Colonel Briggs, with whom Colonel Wilks and other eminent writers on the state of society in the Dukhan for the most part concur, that each village (*mouza*) in India contains within itself the seeds of an entire republic or state; wars, deluges, pestilence or famine may break it up for a time, but it has a tendency to reunite which nothing can prevent. It consists of an agricultural corporation possessing all the land, at the head of which is a chief elected by the corporation. It has, also, at least one individual of all the crafts necessary to agriculture and essential to the comforts of rural life.

2. The elements of this primeval Hindoo association, which has, in all probability, tended very materially to preserve the national character and institutions, and to prevent the extinction of the Hindoos as a nation, as has happened to the Egyptians and to many other ancient nations, has continued to the present time in a considerable degree of purity in the dukhan; but has, of course, been more or less broken up and defaced in those parts of the country where the Mussulmans or other foreigners have, for any length of time, exercised an uncontrolled ascendancy.

3. But few vestiges of the ancient Hindoo *mouza* remain in the province of Bengal; while in Behar and some of the other provinces under this presidency many of the rudiments of the village association continue to exist.

4. The *chokeedar*, *goryt* or *pasban* appears to be one of the most useful and active members in all the Hindoo village associations, and his office is, consequently, one of those which has remained the least affected by the successive revolutions and changes, which have passed over the country during the period of twenty centuries. In this office we possess the original and fundamental element of an efficient police, rooted in the ancient usages of the Hindoos, yet still susceptible of any judicious modifications which more recent experience may suggest. In fact, the whole superstructure of the police would be inefficient and nugatory, but for the ready information and assistance afforded by the village *chokeedars*.

5. It therefore appears to be a matter of the highest importance, that inquiry should be instituted without delay into the numbers and condition of this very useful, but much misused and neglected class of men, and I trust that my present communication may, in some degree, tend to facilitate and encourage this inquiry.

*Observations on the Judicial Letter of the Hon. the Court of Directors, written in the beginning of 1836.*

## III.—CHOKEEDARS, PASBANS, DOSADS.

1. I come lastly to consider the condition of this class of men, together with the means by which they may be rendered more extensively useful as subordinate agents of police. It is useless to attempt to retrace the origin of remote and decayed institutions, further than may be necessary to obtain information sufficient to render them as useful as may be compatible with the existing order of things. The village watchmen, neither much countenanced nor altogether proscribed, seem to have been left to shift for themselves for some time after the conclusion of the perpetual settlement. In many districts they changed their character and had recourse to husbandry, labour or *dukoitee* for a livelihood; while in others they were retained as a useful class of servants by the *zumeendars*.

2. Their situation and employments in this district are at present, as follows:—The *zumeendars* of every village of any note maintain one or more *pasbans*, who are sometimes paid by a *jageer* in land of from one to three *beegas*; or by a money stipend averaging from one to five rupees per annum. Some receive both land and money. It is also usual for them to receive certain small gratuities from the *ryots* and principal inhabitants at the harvest or other stated periods.

All the abovementioned particulars are registered at the *thannah*, and an annual report, noticing charges and other matters, is transmitted to the magistrate.

3. Their duties are to watch at night, to apprehend robbers and other offenders, to procure provisions for troops or Europeans travelling, to carry *thannah* reports, to escort offenders, and to give intelligence on those and a variety of other subjects connected with the police to the *thannah* and through the *thannadar* to the magistrate. I have forbidden their being employed in conveying the treasure of the *zumeendars*, or performing other duties connected with the collection of the revenue. The *zumeendars* keep private servants of the same caste (*Dosad*) to perform these services. I do not conceive that any lands formerly allowed for their subsistence were resumed by the Government in this district, and, at all events, as the *zumeendars* can well afford to maintain them and consider it their duty to do so, I do not see anything to be gained by instituting further inquiry into the matter.

Further particulars respecting the mode in which I have employed them, towards meliorating the police of this district, will be found stated in appendix No. 1.

I have, also, to add, that I should consider the giving the *zumeendars* any greater powers over them than what they naturally possess,

as being the persons who appoint and pay them, would be attended with prejudicial consequences to the police.

4. But the measure which strikes me as the best calculated to produce beneficial effects to the general police of the country, is the extension of the provisions of regulation XIII. of 1813, to all the principal towns, hauts and gunges. For my opinion more at large on the advantages of this system, which, I am convinced may be carried into execution with the greatest facility and effect, I beg to refer to appendixes Nos. 2 and 3. The institution of village watchmen (*Pasbans*) does not, I believe, exist in such perfection in some districts, as I have described it to do in this. In such districts the establishment of the chokeedaree system seems to be peremptorily called for.

In the event of the chokeedaree system being introduced into districts where the institution of village watchmen (*pasbans*) exists, it will be expedient, in my opinion, still to maintain the latter establishment with some slight modification of its duties; as for instance, the *pasbans*, instead of watching by night in the village, may be usefully employed in patrolling the out-skirts and more remote *tolahs* (*hamlets*) in escorting travellers, and other duties of a more miscellaneous nature.

5. To conclude, I beg to express my decided opinion, that the continuance of the present thanadaree system of police, modified and rendered more efficient, by giving to the magistrates full powers of appointing, fining, and removing those officers, together with a judicious extension of the chokeedaree system to all the principal villages, hauts and gunges, will, with such moderate alterations as experience may from time to time suggest, tend more effectually to promote the peace and happiness of our native subjects, and with less hazard of inconvenience than is to be expected from any general dislocation of the present system, and transference of the police to the collectors and zumeendars.

#### *Report on the Village Police in the Province of Behar, written in 1822.*

1. Having been for some time past of opinion, that a general investigation into the state of that very valuable class of police officers, commonly known by the name of *dosad* and *pasban* in this province, with relation to their number, maintenance and mode of employment, comprising a review of the whole village or internal police, was strongly called for and would lead to very beneficial results, I addressed a circular letter, at the commencement of the late circuit, to the several magistrates requesting information on the subject; copies of which letter and the replies received are subjoined in appendix G.

In reviewing this subject, I shall, in the first place, consider the state of the village police in each zillah separately, and the proceed to the discussion of such points as are common to the institution throughout the country.

2. The village watch in zillah Ramgurh appears to be very imperfect, only 3281 villages, out of the 10,000 which the district is stated to comprise, maintaining 3196 chokeedars. The observations, however, of the magistrate respecting the zumeendaree system of police, the smallness of the villages, and the poverty of the inhabitants, are entitled to great weight.

3. It would appear from the accompanying statement received from the magistrate of Behar, that 7823 watchmen are maintained in that jurisdiction by 5708 villages, and that 97 villages are without this protection. However, these villages are stated to be, for the most part, uninhabited, so that the village police may be considered as very complete in this jurisdiction.

4. It appears from the reply of the magistrate of Tirhoot, that the preferred adopting the information contained in a statement drawn up by Mr. Fleming in the year 1817, to what he was able to obtain from his own inquiries. From this he states, that it would appear that 7656 villages maintained 5712 chokeedars, and that about 1939 were without any. He afterwards supposes that 3000 villages were without chokeedars. However, he seems to consider this as only an approximation towards the truth, and it is evident that great changes must have taken place in the interval. Again, it is mentioned at the foot of the statement, that the goryts amount to upwards of 4000, and are considered distinct from the chokeedars, who are now supposed to exceed 6500. In short, I am sorry to say, that our data as to the number of villages, and of chokeedars in this zillah, are very imperfect.

5. It appears that in zillah Sarun 6651 villages maintained 7294 chokeedars; but the magistrate has omitted to state the number of villages which do not support any. The statement received differs in many respects from one drawn out by my direction, some years ago, when magistrate of that zillah.

6. From the letter of the magistrate of zillah Shahabad, it would appear that 4747 watchmen are supported by 3326 villages; that 1896 villages do not maintain any, and that, of these latter, 1001 are waste, 716 are small or imperfectly cultivated, and that the zumeendars of 179 villages have neglected to appoint them, in opposition to the orders of his court.

7. It would appear, from the statement received from the magistrate of Patna, that 893 villages entertain 2219 watchmen, including goryts under that denomination. The magistrate is not aware that there are any villages unprovided with chokeedars in his jurisdiction.

8. I shall now proceed to consider the quantity of land allowed to this class of public servants, the means of obtaining it when not already passed, with other points connected with their support. The quantity of land allotted for this purpose in the several zillahs, with the proportion it bears to their allowance

in money and grain (as far as has been ascertained) will be best understood by consulting the statements in the appendix. It appears to me that a jaegeer in land is the most unexceptionable mode of providing for them, on many accounts. In forming an opinion on this point, it is to be taken into consideration, that not only the personal services of the individuals holding the office of chokeedars, but those of all the males, and frequently of the females, of the family, are put in requisition, when occasion demands, by the zumeendars, police officers, and troops, or travellers requiring guides or supplies. Therefore, not only ought the whole family to be decently provided for, but it is to be supposed that some members of it may always find leisure to cultivate the family jaegeer, without injury to the public as supposed by some of the magistrates. In the first place a jaegeer tends to render them more respectable, attaches them to the village, and tends to keep the office in the same family; secondly, it attaches them, also, to the Government, their provision appearing to them at least to emanate from the state; thirdly, it is a more permanent and unvarying mode of providing for them, and, by affording occupation for the other members of the family, tends to preserve them from bad courses. I conceive that five or six beegas of rent-free land would, on an average, yield them a net profit of three rupees per mensem, and should if possible be secured to the chokeedar of every village of any magnitude. There is reason to believe that such jaegeers very generally prevailed at the time of the perpetual settlement, in which case it does not appear that the zumeendars had any right to resume them. I am also informed that of late years many such jaegeers have been allotted, at the suggestion of the magistrates, in some of the zillahs in this division.

9. It appears proper to notice, in this place, that although by section 13, regulation XXII. of 1793, the "police darogha is directed to keep a register of the village watchmen declared subject to his orders," and by section

21, regulation XII. 1807, all zumeendars and others employing chokeedars are required to transmit a list of them to the magistrate within three months; yet I nowhere find any legislative enactment authorizing the magistrates to require the landholders to appoint chokeedars to villages where they have not hitherto been established. This omission, which was probably accidental, appears to require to be supplied by a legislative provision. It is notorious that the zumeendars very generally make collections under the denomination of chokeedaree or police cess, frequently without keeping up any such establishment, and I make no doubt that they would continue to do so, in spite of all orders to the contrary, were the whole establishment to be abolished.

I am further informed, that in a late settlement of waste and other lands, which took place under Mr. Dunsmure in pergunnah Chounsah, zillah, Shahabad, jaegeer of five beegas has been allowed for the chokeedar of each village. I am also of opinion, that where lands waste at the time of the perpetual settlement, and included in the settlement of any estate, have been since brought into cultivation, the zumeendar may be reasonably expected, out of his surplus profit, to provide for the maintenance of the chokeedar. If more than one chokeedar be required for the protection of an extensive and populous village, it is reasonable that the merchants, shopkeepers and the more wealthy ryots (without exception of rank, or caste) should be provided for the additional protection by subscription among themselves, of money, or grain, according to circumstances. The legal provision for a chokeedar ought not to be less than three rupees per mensem, or the value in land or grain, and where the collections are made from the inhabitants in money and grain, the plan recommended by the magistrate of Shahabad, of authorizing the putwaree to superintend the collections and to keep an account of them, appears very judicious and likely to be attended with good effect.

*Cal. Courier, August 23.]*

QUIVIS.

## STATISTICAL RETURNS.

Among the selections in our last will be found a circular from the secretary to the Government of Bengal, addressed to the Commissioners, informing them that his Lordship, being desirous of obtaining statistical information regarding the provinces under his government, had appointed the civil and military medical officers to prepare reports embracing information on the following points; viz.—1, Census of population; 2, Cause and effect of plenty and scarcity; 3, Condition of the poor, their subsistence, &c.; 4, Wages of labor; 5, Physical causes of crime; 6, Ratio of mortality; 7, Ordinary proportion of births to marriages, in addition to the more obvious and easily attainable information as to the

area of districts, comparative productiveness of lands, habits of people, proportion of Hindoos to Mussulmans, &c." The Commissioners are required to direct all the judicial and fiscal officers under their control to afford every aid and facility to the gentlemen entrusted with thereports.

As to the benefits likely to result from such inquiries, there can scarcely be a difference of opinion. It has indeed been a matter of wonderment that this desideratum had not been supplied long before now. No other enlightened country would have so long possessed India without obtaining as full a statistical knowledge of it, as it was possible to procure. The delay which has occurred

may, we think, be properly attributed to the peculiar character of the British Indian Government, arising chiefly from its being a company of merchants, with whose immediate objects of pursuit scientific inquiries are quite unconnected. We are glad to find that these inquiries are now to be earnestly prosecuted: but we apprehend several difficulties in the way of completing the reports in a satisfactory manner. His Lordship appears to be aware of some of them, and has directed that the influential zemindars be consulted. So much the accuracy, or even an approach to accuracy, in several of the items of information required, will necessarily depend on the co-operation of the zemindars, that we think, unless they can be made to understand the benevolent objects of the inquiry and to enter into the spirit of it, little hope can be entertained as to a satisfactory termination of the undertaking. The greatest difficulty in the way of obtaining the hearty co-operation of these people will be the apprehension that information thus obtained, will at a future period, be employed to some purpose injurious to their interests. The Quinquennial returns and Canangoo papers were prepared professedly with the object of facilitating the partition of property and the settlement of disputes among the ryots, and the confirmation of the Bazezemeen duftur, and the register of rent-free lands led the people to believe that it would free their claims from further inquiries. But in these hopes they have been disappointed. Information obtained by these means has been made to subserve the objects of the state, in carrying on the detestable and unpopular work of resumption. How is it possible then to expect that the people will not be alarmed, now that the country is infested in every direction with resumption officers, at the prospect of inquiries such as those which the reports in question are to embrace? How are the people to be satisfied that nothing detrimental to their interests will ever arise out of the information now sought from them? The promotion of self interest is naturally the object of every individual. How then, under existing circumstances, are these people to be persuaded to enter into the spirit of the inquiry about to be instituted, and, instead of thwarting it, to aid it earnestly?

In the circular to the Commissioners, very little stress indeed is laid on the aid to be derived from the zemindars; and it would appear that Government officers are considered the principle source from which information is to be obtained. With due deference to the functionaries of the state, we cannot help stating that, owing to the manner in which information on points such as those embraced by the inquiry in question is generally obtained by them, little dependence can be placed upon it. The Government, it is true, has addressed a circular to the Commissioners, and they will send copies of it to the local officers under their control: but these local officers have not the materials to supply the requisite information on all points. They

must request their amlahs to send purwannas to the different thannadars to obtain the required information, and these again will refer to the village chokeydars—poor ignorant creatures, employed at about two rupees per mensem, and at the nod of every influential man in the village! These then are to be the real sources from which the information is ultimately to be derived on such grave and important questions. Now how can materials collected from such a source,—especially if the zemindars, instead of aiding set their face against it,—supply the required information in a satisfactory manner?

The duties of medical gentlemen require them to be constantly at their respective stations. It cannot therefore be expected that they will personally visit the villages. It is therefore evident, that if the channel of Government officials is alone to be employed, the materials for the returns in question will be derived from no better source than what we have just described. It is true that when the information comes before His Lordship, embodied in the form of a report, prepared with all that attention to style and with those graces with which the pen of a well-educated man can adorn the subject of his theme, it will possess in every respect the appearance that can be desired: but the trapping can never alter the nature of the beast, and glass, however well polished, will never acquire the value of real diamond. It may deceive the inexperienced observer: but will never be valuable. We have therefore considered it a duty we owe to the state and to the public to lay open the difficulties which are likely to attend the undertaking set on foot, and which if not removed, would render its results unsatisfactory.

We shall now offer a few remarks as to the best method by which we think the difficulties pointed out above may be removed, if not entirely, at least to a considerable degree. We would recommend the formation of a central committee of the most influential and intelligent zemindars residing in and near Calcutta, to be presided by one or more Government functionaries, and of similar branch committees in each district to be presided by the medical or other officers, as it may be thought proper. The central committee would direct the labours of the branch committees, receive their reports, and arrange the whole information in the most judicious form. The zemindars forming the central committee, being the most enlightened among the class, would readily appreciate the objects of the enquiry, and would, no doubt, be the means of inspiring confidence in others of the same class who might form the branch committees. Besides the very formation of such committees in the Mofussil would enable the European functionaries, their presidents, to remove in some measure the prejudices and apprehensions of the members, and induce them to afford very material service in the preparation of the documents required. These committees when formed would afford to the Government the readiest and most certain means of obtain-

ing any information which might be required concerning the state of the county, the condition of the people, and their sentiments regarding the various measures of Government. Information on all these points is of the last importance, and therefore, the existence of an efficient channel through which it can be readily obtained is a very great desideratum.

Whilst these are the reasons which ought to induce the Government to form such committees, there are others which ought to induce the zemindars readily to come forward and form themselves into such bodies. There are two causes which very materially check the improvement of the people in this country. The first that measures which regard the public weal are disregarded by individuals, and the other that there is no means at present by which individuals can join in any public measure. To notice but one fact as an illustration; how many are there who have suffered or are likely to suffer by the operations of the resumption regulations. These sufferers have been deeply groaning under the weight of the calamity which has befallen them, and none comes forward to make representation on the subject to the Government. Had one hundredth part of the mischief done by these regulations been done in England, petitions upon petitions would have poured down on the legislature. And why this great difference? Not only because the people of England are more enlightened than those of India, the difference in this regard is far from being sufficient to account of the fact we have noticed. The reason is, the former are alive to measures of public interest, and possess the means of communicating with each other regarding matters which concern individuals generally. Hence so many associations, so many representations on questions of public interest, and such opposition to all measures detrimental to the people. A knowledge of these facts ought to induce our land proprietors to form themselves into associations, and when necessary, to submit such representations as may place their grievances before their rulers in a proper light.

The Government of India, in their letter to the Court of Directors, dated 23d February

1828, advertising to the petitions against regulation III, of 1828, speak as follows:

126. Among the petitions against Regulations III, 1828, which have been noticed in a preceding part of this despatch, there is one which we have stated to be anonymous; we have now to notice that an exact duplicate of that petition has since been presented to us, with the signatures of above 200 individuals annexed to it, accompanied by a letter addressed to our Secretary in this department by four natives, named Dwarkanauth Tagore, Kalinath Roy Pursunnoo Komar Tagore, and Rammohun Roy.

§ 27. The intelligence of the above-named individuals is acknowledged to be much superior to that of the native aristocracy in general: however much, therefore, we may doubt whether any considerable number of the petitioners are capable of understanding the arguments which it contains, we are not the less disposed to give due consideration to the expression of the sentiments of such individuals on a question which so generally affects the interests of the native community as well as those of the state.

It is evident from the strain of these paragraphs that all those who signed the petition are not allowed the credit of participating in the sentiments which it conveys. The getting up of the petition is thus referred to four individuals, and its weight of course considerably lessened. Had similar petitions been presented from every part of the country, numerously signed, a conclusion like that to which the local Government would lead the Court of Directors, could never have been borne out. This simple fact, if others were wanting, amply proves the necessity of such associations as we have recommended.

Our remarks have been made with the view on the one hand to promote the object of the inquiry instituted by Government, and on the other to suggest to the people the means of submitting their grievances before their rulers in the only way in which their representations are likely to be attended to; and we hope both the Government and the people will see the advantages likely to be secured by attending to our recommendations.—*Reformer*, May 21.

## THE TEN COMMANDMENTS.

Our readers are aware that about five years ago the present king of Cochin China, Minh-Menh, commenced a bitter persecution against the Catholic Mission which had been established in the country for nearly two centuries, and had been fostered by his predecessors; that one of the Missionaries was put to death, and that the Bishop was obliged to seek safety in flight. It appears that, in order, if possible, to supersede Christianity, he determined, after the adoption of these violent counsels, to promulgate a new deca-

logue of moral and religious duties, and to command the strictest obedience to it. The Bishop of Castor, the Coadjutor of the V. Apostolic of Cochin China, transmitted a copy of these new commandments to his own superiors at Paris, together with a running commentary on them; and they were published in the "*Annales de la Propagation de la foi*," No. 51, for March, 1837. Having been favoured with a copy of this number, we have now the pleasure of laying the Bishop's letter before our readers.

"I have told you in my former letters, that the King Minh-Menh, by his edict of the 6th January, 1833, proscribed the Catholic religion through the whole extent of the state. I need not recur to the details of this frightful persecution; the blood of the martyrs has reddened the soil Annam, and every sign of Christian worship has been effaced. Yet this was not enough for the end which Minh-Menh proposed. He knew well that religion did not consist entirely in external practice, and he has sworn to stifle it, if that be possible, in the heart of all his subjects. Reflecting, then, upon the means of attaining with more certainty this fearful object of his desires, beheld what the modern Julian has imagined in his crafty policy. He recalled to mind that the decalogue of the Christians was the chief rule of their conduct; that the Pagans themselves often quoted it with praise, and that the faithful assembled in great numbers four times a year to celebrate in a body, the holy mysteries. The King had too much sense to believe that it was possible to extinguish a religion, without substituting something in its place. Like a philosophical prince, therefore, he resolved to oppose in some measure religion to religion, festival to festival, and decalogue to decalogue. He has, therefore, caused a great number of works upon morals to be collected, and those of Confucius among the rest, and he has caused the most splendid passages to be noted down, particularly those which might bear any analogy to Christian doctrine; and this has been arranged in the best possible manner, and has thus furnished a complete body of doctrine. The whole has been divided into ten articles. A pompous preface announces to the people of Annam, that the King, desirous of treading in the steps of his illustrious predecessors, has, in his paternal solicitude, composed these ten precepts. And it is remarked, that an exact observance of them cannot fail to obtain from above, a happy peace for all the inhabitants of the country, and abundant harvests."

The Bishop then proceeds to describe the ceremonial which has been proscribed, regarding the reception of the decalogue by all the public officers in the empire.

1st. *COM.—Preserve exactly all the Social Relations.* This is the same as if one should talk of the *Rights of Man*. But in *Tom King*, they put a different construction on it, from that which is given in France. Social relations are those of the King with his subjects; the rights of the King are every thing; those of the subject nothing. Then follow the relation of the father with the son; of the husband to the wife; of brothers among each other; and of friends to strangers. These five kinds of relations, are conspicuously brought forward in all the books of Chinese morality, which have been used in this compilation. Much is said on the subject, which after all means little; but it is all very classic, and every scholar who does not know it by heart, would be taxed with ignorance.

2d. *COM.—In all things have a good*

*intention.*—This rectitude is greatly recommended as the rule of our actions, which will all be good, if our heart is right, simple and just; but evil, if a man departs from this uprightness. It is, doubtless, a good precept, but at the same time is only a republication of the Christian law; and, perhaps, Minh-Menh did not doubt this.

3d. *COM.—Fulfil with diligence the duties of your state and condition.*—It is necessary to be content with one's condition, not to murmur against the state in which, according to the pleasure of God, one is born, to perform its duties with delight and care, and to labour with ordour and contentment. This rule refers to all labourers, artisans, merchants and soldiers; all are to be content; then will the happiness of his Majesty's subjects be perfect. This is truly admirable; but it is to be regretted that the legislator has not given himself the trouble to point out the means of obtaining it. It is well to say men, be content,—but it would be more useful to teach them how to attain it.

4th. *COM.—Be sober in eating and drinking.*—This commandment prescribes the moderate use of the good things which Heaven gives us; and not the imitation of those who on certain days of debauchery, consume all they have, and strave for the rest of the year. It is said, that intemperance as well as gambling, engenders poverty, theft, and high-way robbery. This is to take the people of Annam by their weak side; to strike them in a tender part; and hence they are not a little displeased with the King for this law. It is impossible not to compare the state of misery under which so great a number of the people groan, with the plenty which reigns in the voluptuous Court of Minh-Menh; so easy is it to preach sobriety to the miserable, when a man denies himself nothing.

5th. *COM.—Preserve rites and usages.*—The development of this precept does not correspond with its title. As it consists only of long and vague dissertations, which have no connection with the text, I need not pause to examine it.

6th. *COM.—Fathers and mothers ought to bring up their children with care, and elder brothers should do the same by their younger brothers.*—The King considers domestic education as the base of the social edifice, and certes, with reason. This article has, therefore, been received without contradiction, and even with applause.

7th. *COM.—Avoid evil doctrines, and study only those which are good.*—The legislator is desirous that all men should give themselves up to study, and allow no day to pass without reading, or study; but they must be careful not to swallow the poison with the aliments which are destined to nourish them. It is in this place, that Minh-Menh abandons himself, without restraint, to all the hatred which he feels for the Christian name. He says, that of all false doctrines that of Christianity is the most opposed to reason, and the most dangerous as it respects good manners; that its disciples live in promiscuous intercourse

like the brutes; that many had already paid with their heads for the folly which had engaged them in the superstitions of this worship; that the people ought to be careful not to imitate them; but that all ought to follow in all things the ancient usages and the accustomed rites of the Kingdom, both in marriages and in interments, in the worship of deceased ancestors, of the tutelary genii; that is to say, he wishes all Christians to take part in idolatrous ceremonies. This decree reveals on the part of the Prince, the most unfriendly intentions; it is to be hoped that the first edict may efface at length from the memory of the people the habitual levity of the nation, and give them something to think on. But this edict is to be published four times a year; how, then, are we to hope that the idolators will forget that they have a right to persecute the Christians, and to force them to superstitious usages and to extort money from them? This is, without doubt, the accomplishment of that order which the King gave to his Mandarins to invent against us such contrivances as none of his predecessors had thought of, and thus to eradicate, sooner or later, the Christian religion from all his states. He has but too well succeeded hitherto in this infernal project, for soon after the publication of that piece, the Pagans, whose fury had been a little calmed, redoubled their zeal to pursue us, and from that time in many parishes, the sick have died without the sacrament, because no one wished to receive a priest for fear of exposing himself to arrest. But in the midst of all these miseries, there is one thing that reassures us, and it is that if God be for us, we have nothing to fear from men. *Si Deus, nobiscum quis contra nos?* Strengthened by this thought, we can leave the future to the cares of his merciful providence.

8TH. COM.—*Preserve chastity and modesty.*—Minh-Menh recommends this virtue to the people, doubtless, with the view of imitating our decalogue. He promises rewards to those who shall distinguish themselves in the practice of this virtue, and he threatens to punish the opposite vice. But it will require some other sanction besides that of the King to make the people of Annam relish a virtue of which they know only the name; and the practice of which is found only among Christians.

Surrounded as he is with a numerous seraglio, he preaches chastity with an ill grace to his people who will find it much more easy, doubtless, to imitate his conduct than to obey his precepts.

9TH. COM.—*Observe exactly the laws of the kingdom.*—Among other recommendations given in this article exactness in the payment of the tribute is insisted on. This has made all those who heard it murmur; for nothing in this country more irritates men, than to hear of imposts; nothing flatters them so much as to hear of their remission. I believe that if I had money enough to pay for eight years all the contributions to which the Pagan subject of Minh-Menh are subjected, in spite of his edicts and his precepts, they would all be converted to Christianity, at least, so far as external observances go.

10TH. COM.—*Practice good works.*—This precept is, doubtless, borrowed from Christian morality; for there is nothing expressed on this subject in Chinese books. It is said, among other things, persevere in the practice of good works; that is to say, in other words, *Oportet semper orare, et nunquam deficere.*—Do, says he again, one good work to-day; another to-morrow; do not relax, and you will have an inexhaustible abundance of good works. This is as though he should say, *Habebis thesaurum non deficientem.* Thus the King himself by his piracy pays a homage to the excellency of our morals, and to their necessity, even for the Pagans.

Such is in substance the famous decalogue of Minh-Menh, in which it will be remarked that there is no allusion to robbery, falsehood, homicide, or other such crimes. Perhaps, the legislating and philosophical prince despairs of obtaining any thing from his subject, upon the two first points. Perhaps he waits for the end of the war to treat of the last; perhaps, he may not have thought of them at all. As for the rest, in many places, they have already neglected the reading of the ten precepts, and the preaching which ought to follow it; in other places, scarcely any one is present at the sermon. We have much else to do, say the Pagans, than to learn that it is necessary to pay tribute to support the seraglio of our much loved King and Lord.”—*Friend of India.*

## EGYPT AS IT WAS IN 1837.

*By Thomas Waghorn, General agent in Egypt for steam intercourse, via the Red Sea, between England, India, Ceylon, China, &c. &c.*

### DEDICATION.

This pamphlet is dedicated to the members of the British Parliament, both Lords and Commons, in the hope that it will induce in them some sort of sympathy for Egypt; instead of that indifference to her interests which permits her to be sacrificed to the bolstering up of Turkey.

### PREFACE.

The object of this pamphlet is to draw the attention of the British Parliament to the present state of Egypt, and, from facts, to shew that it is both our interest and duty, as a nation, to aid in the civilization of that fine country, instead of adhering to a line of policy which, by encouraging the extortionate demands of Turkey upon Egypt, tends to paralyze the efforts of the latter towards the attainment of her political and moral freedom.



Egypt although, at the present time, possessing the elements of becoming an independent nation, in a greater degree than has been enjoyed by any other, except the United States of America, is still tributary to a power which she has fought and conquered.

In order to explain this anomaly, I will proceed to adduce facts, which I would fain hope may weigh with the British Government, to their recognition of Egypt as an independent kingdom.

The following table, drawn from its army and navy at the beginning of 1836 will show its preponderance as a nation :

#### STRENGTH OF THE EGYPTIAN NAVY.

Strength and Distribution of the Egyptian Army.		Total.	
STATIONS.			
In			
Egypt.....	1300	3200	1600
Sennar and } Kordofan. }	200	600	700
Syria.....	3300	650	1150
Candia.....	6100	800	500
Hedges and } Yemen.... }	500	5000	2000
Regular Cavalry.....	6500	900	100
Regular Infantry.....	78000	12900	1900
Sappers and Miners.....	100400	2000	13450
Total Regulars.....	100400	7050	3200
Irregulars.....	2000	3200	1200
Bedouins.....	7050	3200	1200
Hawara.....	3200	1200	1200
Candia's & Albanians.....	1200	1200	1200

The above are irregulars.

The above are regulars.

#### Line of Battle Ships.

	Guns
Cairo, Acre, Homs, and Konish..	4 of 110
Mellec el Kebire, and Mansora..	2 „ 102
Alexandria.....	1 „ 90
Abouker.....	1 „ 84

#### Frigates.

Bahira.....	1 „ 60
Reschid.....	1 „ 58
Shuringhat.....	1 „ 56
Damietta.....	1 „ 50
Nile.....	Steam Frigate.

#### Corvettes

	Guns
1 .....	24
1 .....	22
3 .....	20

#### Cutters.

2 .....	10
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#### Brigs.

	Guns
2 .....	20
1 .....	22
2 .....	18
2 .....	16
2 .....	10

Besides, there are three ships of the line on the stocks, a frigate and a steamer.

These were the materials with which, in 1832 the Egyptians fought, and practically

established their independence of Turkey. The victory at Koniah confirmed it ; and surely no man will maintain that Constantinople was not then open to the march of the Egyptian forces, under Ibrahim Pacha. And did not, I would ask, the results of that battle awaken the European powers most sensibly to the fallen state of the Turkish empire ? Nothing saved it from being overrun by the Egyptian forces but the powerful influence of England, France, and Russia, who then thrust themselves forward, and, by threats, compelled Egypt to pause in her career of victory. Egypt complied, but her doing so could not hide the fact that she had virtually redeemed her freedom from Turkey. Yet, from that period till now, the same fetters are kept upon her by the consent of England, and Egypt is consequently still doomed to continue as a tributary state to the power she has conquered. The plea of expediency, probably, will be put forth to justify this,—a plea which is too often adopted elsewhere to cover unjust measures towards a particular country, for the bolstering up another.

Proceeding to the main points of this pamphlet, I would inquire—for what does Egypt continue to pay tribute to Turkey ? Is it for aid ?—Egypt wants none. Is it for the soil ?—Mahomed Ali redeemed it from anarchy and bloodshed, establishing in their stead order and tranquillity. Is she to pay tribute for that ?

Tribute I take to be a right only when imposed by a Government on a particular province of its own, which is bound to the mother country for aid, protection, influence, or some other advantage ; but as Egypt neither wants, nor receives, any of these, and moreover has most wonderfully become strong, while Turkey, on the other hand, has become weak, I maintain that there remains no justifiable reason for the exaction of tribute money.

If, however, tribute money was only required by Turkey I should not have troubled my countrymen with my opinions on the matter ; but I cannot refrain from making those opinions public when I behold such sweeping sums, as below stated, taken from Egypt by Turkey, and all, too, during the last year, 1836, because I consider our national character ought not to be lent to such extortion. If it be asked, What has England to do with it ? I answer, England justifies it, by always interfering in the Porte's favour, no matter in what, and thus upholds the double absurdity, that the strongest, (Egypt) must yield to the weakest, (Turkey). But to the proof :

The first of these items was exacted in the true oriental style ; namely, as presents for the Sultan's daughter, on her marriage. Mahomed Ali, on his part, sent 100,000 dollars. The second item, his part of the Porte's debt to Russia, as the Sultan called it. What had Mahomed Ali to do with the Turkish debt ? However, he sent 600,000 dollars. The third item was a trumped up affair in December last, for ten years' possession of Candia. Mahomed Ali sent 750,000 dollars. What the next item will be, we shall presently see ; but mark,

that all these sums are over and above the tribute money in one year : and the amount to £,450,000 dollars. Thus is Mahomed Ali obliged to portion the daughters of the Sultan, to pay his debts, &c. &c. Is not this opposed to common sense, and therefore intolerable? Nay it is monstrous, that the very sap of Egypt should be applied to objects so foreign to the benefit of that country.

Now I would ask why Turkey should be tolerated in such extortions? Will not our reforming Government feel some sort of sympathy for Egypt, whose peasant, or *fallah*, I feel a pride in stating, is delighted at the sight of our countrymen, above all others who visit their land?

Is Egypt, I ask, to be the only nation of the world that is not to be permitted by England to work out her independence, through her own means, when England allows that right to all other countries? Am I to be told, that *she must* remain a province of the Porte, now she is its superior in every thing that constitutes power?

How much longer is Egypt to be thus treated with the consent of England, where, to its honour, the principle is admitted, that each nation of the earth shall be encouraged in maturing its own greatness?

I will now endeavour to shew, that knowledge has gone on progressing in Egypt, on a most wonderful and rapid scale, during the last thirty years, and solely from the master mind of its present chief. I take up my position from the period of the evacuation of Egypt by the forces of England and France. From that time, Egypt, under the Pacha's rule, began to regenerate herself; and so astounding, even to its own population, has been the progress of the great work of regeneration, that they infer that a superior power is assisting, them to its early attainment.

The most intelligent of our countrymen are, probably, not sufficiently informed of the present improved state of Egypt. It is quite different to what many of them suppose it to be who fancy that Mahomed Ali is little better than one of its former tyrannical Beys; that all he has done has no stability, and that it will die with him. This I deny *in toto*. The dawn of civilization emanated from him, but it will not die with him. And now I venture to the proof of this assertion.

When Mahomed Ali became Pacha, of Egypt that country had become a waste. It was partially rendered so by its having been made the field of war, where France and England fought for its conquest. Overrun by foreign mercenaries, and Bedouin chiefs, cultivation was at a stand still,—famine in its provinces, with all the other miseries attendant upon war. How is it now? I find it improved in a degree unparalleled in any other uncivilized country in the same space of time. The land yields more and more luxuriantly, thus supplying to Mahomed Ali the means of working its civilization. Having restored the productiveness of its soil, he next turned his attention to teach his people to protect their own land,

without the aid of foreign and profligate mercenaries. He then endowed schools which accommodate, with comfort, upwards of 20,000 youth, most of whom are taken from the mud huts of the Nile; and, as age and education fit them, they are placed in offices of trust and emolument; while the most intelligent of them are sent to England and France, in pursuit of knowledge, which they even now begin to impart to others. That they do so, is best shewn by the fact, that, on their return to their native land, they supersede the European mechanics, in those branches of which the latter were before the head; and this equally applies to the steam engine, the coinage at the mint, to the cotton manufactories, and, indeed, to all the schools of improvement in Egypt.

From such sources, and with such means, Egypt's regenerators are now springing up by hundreds, encouraged by the example of their more than father. Who, then, on weighing this matter properly, will maintain that all this will pass away at the death of Mahomed Ali? His son, Ibrahim, the conqueror of Syria, may survive; and even were death to call him, many parent male branches remain; not, perhaps, equal to their original stem, but quite able to uphold and carry on Egypt's regeneration, and to work out her deliverance from Turkish misrule and oppression.

It has been insisted that Mahomed Ali has done nothing to better the condition of the fellah. I reply, he has done every thing he can do; not perhaps for them, but for their sons. The fellahs, before his time, were doomed by their taskmasters, the Turks, to be slaves to the soil. Often have I witnessed the delight with which those fellahs visit their children, while under a course of education at the schools and colleges of Egypt. The fondness with which they regard them is equalled only by their surprise at hearing them discuss matters so foreign to the habits of their fathers; nor is it easy to describe their feelings, on finding those sons commanding, instead of being made to endure the burdens imposed by their former masters. That Mahomed Ali has been obliged to take some of this class of his people for soldiers, I seek not to deny. Necessity demanded it. It did the same in England's wars, in the shape of impressment, because the service of the state required it. The system has, however, been discontinued in Egypt as well as in England, never, I trust, to be revived in either. As far as Egypt is concerned, recruits are now supplied from Nubia and Sennaar; the fellahs of Egypt are no longer required for the purpose.

With regard to Turkey, I would ask,—has not the bolstering up of that country been, for the last forty years, a constant subject of perplexity in our state policy? Is it consistent with the present improved situation of Egypt that the should be sacrificed to that object? Our Government may go on supporting the impotent and fallen state of Turkey; but my opinion is that the better policy would have been to let her take her own course from the time that she fell so low as to make a secret treaty

with Russia, for the exclusion of our men-of-war from the Black Sea ; and that at a period when we deemed her incapable of unworthy conduct. The fact, is, that Turkey is now too much under Russian influence, to be saved from becoming one of its provinces. But if England wishes to prevent this, she has only one course to pursue, namely—giving power to Mahomed Ali and his heirs, who will in turn even regenerate the Turks. Perhaps many will not believe that Mahomed Ali has more secret power in Turkey than the present Sultan. I know that he has. Even the Turks look upon their country as lost as a nation. Many of the more intelligent of them, both there and in Arabia, Syria, &c. &c., inquired how the Mussulman faith is to be re-organized, since Turkey has fallen so low. The private opinions of these several countries point at Mahomed Ali and his heirs for its re-establishment. Their religious writings lead them to expect a *regenerator* about this period, and many of them fancy that they behold him in *Mahomed Ali*.

Egypt is continually receiving checks from the hands of Turkey, that impede or stagnate the great work of civilization, which would otherwise roll on in its own course. I have before mentioned those checks, in the shape of extortionate demands of tribute money ! Besides these, the large force, both on land and sea, which Egypt is obliged to maintain in self defence against Turkish tyranny, naturally impoverishes her. This last evil, however, must and will be submitted to so long as Turkey, backed by England, France, or Russia, have the power to menace her. Indeed, this armed position is absolutely necessary to secure to Egypt even the produce of her own soil, which would otherwise be taken by Turkey ; but the greatest evil of all is that the men composing this large naval and military force, are wanted in two-fold manner in Egypt : 1st to increase its fertility, and 2dly, to assist in populating it.

The Turkish Government, by its successive depreciation of the coin of that country has involved herself, past redemption, in all the ruinous consequences of such a suicidal policy. To give an idea of the extent to which this barbarous mode of meeting a financial emergency has been carried on in Turkey, I need only refer to the reign of the present Sultan, who has been, I know not upon what grounds, eulogized as the reformer of Turkey. I find the rate of exchange at Constantinople upon London in 1818, thirty-one piasters the pound sterling ; at the present time (1837) I find it is at 106 piasters ; thus, in the interval of less than twenty years, the rate of exchange has advanced more than 350 per cent. ; and as this has taken place in a country from which the exports are invariably more than the imports, it must be referred to some other cause than the natural course of commercial events ; in fact, it has arisen from the successive depreciation of its currency, which has, during the last twenty years, been *nine times* debased by the Turkish Government to the manifest impoverishment of the country, the ruin of the foreign

merchants, and the destruction of its own hope of future prosperity ; that Government only thinking of what they might gain at the moment, in robbing their own subjects and creditors by such acts of oppression,—a policy which is sure to *unkinge*, in the end, *any nation*. It must be evident, that bound as Egypt has been, by heartless state policy of England, to the fatal destinies of the Turkish empire, the government of Mahomed Ali—enlightened though it be by the councils of as eminent Christian merchants and financiers as any in Europe, and fully aware of the ruinous effects of any violent alteration of the standard of value—has been the innocent victim of the barbarous momentary policy of Turkey. The Government of Egypt has, at times, thus seen its people impoverished ; its foreign merchants embarrassed in their legitimate commercial operations, and the best interests of all classes sacrificed ; but the cause of all this has originated in an empire virtually separated from the country upon which it inflicts so much evil ; over which it neither has the power, nor can pretend again to have, in herself, even the *hope* of enforcing homage or obedience.

How long, then, will it be deemed necessary by England, for the bolstering up of Turkey, to perpetuate the views of that Government over a country actually in itself an independent empire ? Who can pretend to maintain that it is for the real interest of Egypt, that it should remain, and be forced by England to remain, in alliance with all that is ignorant, brutal, and destructive ? Now Egypt yearns for European civilization, and gives pledges for its future prosperity, by basing all its hopes of wealth, power, and greatness, upon the produce of its own soil. Such being the facts, then, what member of the British Parliament is there that will not execrate the present policy of England towards Egypt ? What a field is there open to some aspiring and intelligent member of the British Parliament to take the lead in the great work of Egypt's independence !—at any rate, of her freedom from the misery that attends Turkey. Why should Egypt be involved in the ruin of the Turkish Government ? Not only is that fall certain in the eyes of all reasonable lookers on, but even the Turks themselves look upon it in the same light. In a word, there is nothing on earth—no policy to be pursued—to save Turkey from decay, except it be re-organized by Mahomed Ali, or his heirs. But why is Egypt, with the connivance of the European Cabinets, thus impeded in her work of civilization by the Satanic system of Turkish misrule ? So clear, so justifiable, a path would any member have in advocating justice for Egypt in the English Parliament, that it is inconceivable to me that it has not been taken in hand ere this. And now to the disarming system.

The disarming of Egypt would give such an additional stimulus to that country, that it would then go on progressing in every thing twenty-fold. All that is necessary to effect it is, that France and England acknowledge Mahomed Ali and his heirs as the sovereigns of the soil of which they now enjoy the

Pachas, and intimate to Turkey that such is the will of those powers. In return for which, I believe that he will ever be found our ally in war and friend in peace, an object I deem to be of much greater importance now than it heretofore has been, when I know that on the future stability of the Egyptian power, our rapid steam operations between England and India will have wholly to depend ; but most particularly I look to the advancement of the English interest in Egypt instead of the French. There are means for this, quite novel to those who had not dwelt and reflected on them so deeply as I have ; and here, I may remark, that I distinctly and definitely deny that any inducement beyond my own conviction has caused me thus to make my opinions public ; for I consider a firm alliance with Egypt will not only be the means of virtually bringing India and England nearer by two-thirds, than they have hitherto been, but would powerfully assist us in repelling Russian aggression on India, should it ever be attempted, Egypt being exactly half way between us and that valuable gem of the British crown.

The co-operation of Egypt, situated, as she is, half-way between us and India, is only wanting to fix our eastern empire firmer than it ever can be by any other means. Our troops from Malta, Corfu, and Gibraltar, with those of our Egyptian ally, might by the steam vessels in the Red Sea, be towed to India in twenty-five days ; we have, therefore, only to make our compact with Egypt, and secure as it were 50 or 60,000 men as an army of reserve for India ; the Egyptian troops being always ready to aid us in India, and thus that bugbear, *Russian invasion of our eastern territory will exist no longer*. I know of no sounder policy than this. Our Governments have assisted and upheld the interests of Turkey till she is fallen so low that it is impossible to re-establish her in power as a nation ; let us therefore, study our true welfare, and take the lead in permitting Egypt to establish herself as an independent state.

I have stated my thorough conviction, that Egypt requires only the fostering protection of the court of London to complete her own freedom from Turkey,—a work already half achieved, in despite of the unjust policy I have before alluded to, and, I trust, have proved to have been grinding Egypt to the dust. I will now venture to assert, that at no period of the present generation, did the English name and character stand so high in Egypt as it does now ; while, on the contrary, at no period has there ever been so little English interest in Egypt, when compared with the interests of other nations in that country. To what is this owing ? I attribute it to our by-gone Governments, who have never thought it worth while to maintain English interests there ; while, on the other hand, the French have been secretly, and by degrees, stealing on to the second offices of trust in Egypt ; and what, as a matter of course, will be the probable result or consequence of all this ? And why comes it that we treat Egypt with contempt, and France courts her favour ? Depend

on it that if ever another French force gets into Egypt, no matter under what special plea, contract or promise, they will leave it again about the same time that they will quit Algiers, where they were permitted to go by England with an ornament, for what they called the vindication of the honour of France. Did not the French Government specially promise the Duke of Wellington, the prime minister of the day, that they had no wish to colonize the place ? Yet, how well their promise was kept, we may perceive by a reference to the speech of the King of the French, three years ago, to the deputies, in which Algiers is referred to as a colony of France. I repeat, that the French are intent upon colonizing Egypt if they can, in the same manner as they did Algiers.

How fatally true is it that England is never roused to the sense of a dilemma till too late ! and then she goes to war by chance, meddling where she ought not in the matters of other countries, which these days of intelligence tell us she has no more right to do than those countries have to meddle with us. What have we been doing in Spain ? What have we been doing in Portugal ? And lastly, what have we been doing in Egypt ? The answer is plain ; we are teaching each of these to despise us for our meddling ; in fact, we are going directly in the teeth of our own interest ; and time will shew it if we do not awake right early and alter our present policy.

I maintain that every thing in Egypt is growing French ; I find this from the following facts, all falling under my own observation in Egypt :

1. With respect to the Egyptian army, Sulieman Pacha, a Frenchman, is second in command of it.

2. With respect to the Egyptian navy, Besson Bey, a Frenchman also, is its second in command.

3. With respect to its medical department Clot Bey, a Frenchman, is Physician General in chief, with nearly a hundred medical French practitioners under him, in Egypt, Syria, and Arabia.

Lastly. With respect to the engineering department, that is under Monsieur Linant, a Frenchman also.

The whole of these are worthy of the master they so earnestly serve ; and by that master their services are appreciated. I merely make these statements to shew that England, who always takes the lead in every other country, takes none in Egypt. How is this ? Why, it is wholly and solely attributable to the fact that Englishmen, who have gone to Egypt, have found no fostering protection from *their* Consulate ; for whenever any of them have applied to that department, they are told they cannot be recommended by or through that representation of the English nation ; while, on the contrary, the French Consul General assumes the lead in receiving his countrymen, and, moreover, takes the most heartfelt pleasure in seeing them in useful occupations

throughout Egypt. The question will, doubtless, be put—*are they useful?*—*Yes.* What do these French do?—They teach the Arab and the Syrian the arts of war and peace; and although I deprecate war in any country, I hold that it is as much the duty of Mahomed Ali to teach that, as it is his duty to teach any other art; because he knows, from experience, that the greatest enemies of Egypt have been found in the hundreds and thousands of profligate mercenaries who have come to protect that country; moreover, in the knowledge of the art of war, they have the better security in peace; being always prepared to resist oppression, and thus enabled, as every nation of the earth ought to be, to fight its own battles, and preserve its own national tranquillity.

How much more commanding even is the position of Egypt, than that of Portugal or Spain, neither of which can protect themselves, and yet *they are classed* as nations, while Egypt, who can, is *not*!

Let, then, the British parliament, which has heretofore interested itself for the poor black slave of Africa, now turn its eyes to the more than slaves of Egypt. That they are slaves and have been so, to the Turks, till the Turks have left them nothing, is too true. The miserable and fallen state of the Egyptian people excites the sympathy of all Englishmen who visit their country.

The Press of England, which now is the greatest engine of the earth, (the steam engine is as nothing to it,) has advocated heretofore the mistaken policy of our bygone governments, for the last thirty years, towards Egypt.

The Press praises, continually praises, Turkey, and villifies and stigmatizes Mahomed Ali, sometimes as a tyrant, and sometimes as the veriest wretch on each. How comes this?—Because the Press maintains that Turkey *must* be upheld at *any price*, though Egypt, be the sacrifice.

I doubt not that, by some, my opinions may be called enthusiastic; and as such, subject me to attack; however, they led me to Egypt eight years ago. I felt convinced that that country ought to be the road to India; and I maintained my principle in three quarters of the globe. I have travelled, since then, some hundreds of thousands of miles to disseminate my opinions, and I will never content myself till I find it the high road to India. I am as firmly convinced that Egypt is regenerating herself, and will resume her former station amongst the nations of the earth, and become as fruitful as she was in the time of the Pharaohs; and that, too, in ten years after English interests are fairly introduced.

I think Turkey is fast verging to downfall, and that Egypt, in twenty years more, will assume her place.

Why should Egypt be made by England to render her monies to Turkey, and thus pay for the thralldom that impoverishes her?

This pamphlet asks justice for Egypt at the hands of the British Parliament, which has it

in its power to command for ever, Egypt as our ally in war, and our friend in peace.

I would also draw the attention of the religious world to the blessings likely to result from a system of social intercourse with Europe, which, in after years, will, in all probability, be the means of spreading the benefits of Christianity to the distant nations of the earth. For my own part I have come to the conviction that the steam engine will work mighty changes. I fancy that I can see the fanatic population of Egypt and India coming, by small numbers, to continental Europe, and to happy England. I fancy I can see them return, delighted and partially changed; they send others to see also; and thus will go on the work of civilization.

Believing, as I do, that the powers of the steam engine, will, under Providence, be one of the means of bringing the unlettered and darkened millions of the East to Christianity, I hear with delight the forthcoming plan of steam intercourse with India, at the joint expense of H.M. Government, and the E. I. Company.

The benefits of the application of steam navigation to India is incalculable. It has already done more for England than any other art or science except letters.

With these facts before us, it is impossible not to feel regret that every thing that is not Egyptian in Egypt, is French. I would have it English. They love us more than they do the French; therefore, why cannot we have it so? The Pacha honours and respects England more than all the world beside. Let use be "up and be doing" then, and open the doors of British industry, talent, and perseverance, in Egypt; the first step towards which is the repeal of the obnoxious order given by the late Mr. Canning, to the Consulate of Egypt, by which Englishmen are discouraged from settling in that country. While this order has been operating to our prejudice, the French have been cultivating and improving their connexions. My conviction that Egypt would, in twenty years hence, be more fertile than in the time of the Pharaohs, is founded on the known powers of the steam engine; for wherever, and as often as the waters of the Nile can be passed over the soil, there is luxuriant produce and this might be repeated, in some places near its bank, to four and five crops a year, instead of two and three, as at present.

At any rate, it is quite clear, that if Mahomed Ali and his heirs are not to be permitted to make Egypt an independent kingdom, it should become an English colony, and not a French one; which last it now bids fair to be, and which I am sure the French are secretly wishing it to be. All that we have to do to prevent it is to cultivate a firm alliance with Egypt, opening the doors, as much as we can, for English interests in that country.

Having been bred to the sea from my youth, I cannot enforce my argument by the flowers of rhetoric; but I know that I have stated nothing but the truth, and on that I rest my appeal. I pray England's legislators to attend

to the important point of permitting Egypt to raise herself, through her own means, to good government and liberty; and thus to attain a greatness as a nation, and establish, as it were, a new kingdom and one that would gladly be

our ally and friend for ever, if we will only permit it to be so.

London, Cornhill, May 15, 1837.

THOS. WAGHORN.

*Hurk. Aug. 25 & 26.]*

## THE LAW COMMISSIONERS.

We noticed last evening the swearing in, as fourth ordinary member of council, of Mr. Cameron. That Gentleman has for the time ceased to be a law commissioner; and Col. James Young is appointed to succeed him;—the present state of the Law Commission therefore, we believe, stands thus: Mr. Macleod, who departs for England on the 19th or 20th of February; Mr. Millett, acting for Mr. Anderson, who has gone into council at Bombay; and Col. Young acting for Mr. Cameron. Mr. Elliott of the Madras civil service, will, we understand succeed Mr. Macleod; and thus Col. Young and Mr. Millett will be the two officiating commissioners.

On the arrival of Mr. Amos, which will take place very soon, Mr. Cameron will resume office as law commissioner, and until the arrival of Mr. Elliott, whose appointment is not absolutely certain, the two officiating commissioners will, we presume, still continue in office. Taking it for granted, that the appointment of Mr. Elliott is not merely a rumour, and from our authority we understand it is not, there remain still two appointments to be filled up, that of Mr. Macaulay and Mr. Anderson. The fourth ordinary member has nothing ex-officio to do with the Law Commission; the business of the fourth ordinary member is, to assist the Legislative Council in framing laws, and the business of the Law Commission to take the words of the act, constituting it, being any thing in the world, other than the business of legislation. Lord William Bentinck it was, who plunged Mr. Macaulay into the troubled waters of codification. During the vice royalty of this nobleman, the Legislature Department was not occupied sufficiently to afford £10,000 a year's worth of employment to Mr. Macaulay, at least, so, we are told, thought and said Lord William—and he accordingly sent Mr. Macaulay into the Law Commission, in order to keep him out of mischief. To Lord William then in some sort, is India indebted for the Code—he it was who infused into the quiet, painstaking, investigating and about-to-become-Reporting Law Commission the loftier aspiration after legislation, which swelled the proud bosom of our Calcutta Lycurgus—and under his auspices it was, that a Code was framed, instead of a report or two being digested. The objects to which the attention of the Commissioners was directed, are enumerated in very intelligible terms by the 53d and 54th clauses of the charter, which we may as well perhaps publish, by way of refreshing people's memories:

“And the said commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; and the said commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

“And be it enacted, that the said commissioners shall follow such instructions with regard to the researches and inquiries to be made and the place to be visited by them, and all their transactions with reference to the objects of their commission, as they shall from time to time receive from the said Governor General of India in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor General in Council shall take into consideration the reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said reports, together with the said opinions or resolutions, shall be laid before both Houses of Parliament in the same manners as is now by Law provided concerning the Rules and Regulations made by the several Governments in India.”

Such were the objects for the attaining of which the commission was sent out to this country. How far these instructions have been obeyed we have not learnt. How far they will be obeyed in future, time will shew. Whether or not it is the intention to impose on the duties of law commissioner, in addition to those of fourth ordinary member, we have not heard—in that event, however, it might so happen, that only one appointment

of commissioner, would remain to be filled up. That the authorities at home will let go this piece of patronage, it is not very reasonable to anticipate; and we, therefore, shall in all probability have some other civil servant from the Bombay presidency, sent out to represent that portion of the empire. We are told that Lord William Bentinck wrote home, and named Col. Young, as a person highly qualified for this office, from his very great local knowledge and the experience he possesses in commercial and mercantile matters—and as the commissioners are now coming to a civil code, or at any rate, are on the eve of collecting information for a digest of civil law, perhaps a more fitting selection could scarcely have been made, than that displayed in the appointment of the new commissioner. Of the qualifications of Mr. Cameron as a Commissioner, the public may judge for itself—he has spent many laborious years of his life in the very work, which he will return to on the arrival of Mr. Amos, *i. e.* inquiring into, digesting, and reporting upon the laws and customs of our Colonial possessions.

We understand that Mr. Cameron has acquired for himself a very high reputation from his reports on the state of the law in the West Indies; and more recently from his very able report on the customs and laws of Ceylon.

The *Madras Conservative* is now apparently publishing, by way of supplement, what he calls the Ceylon Charter; but which to us appears as far as it has gone, a mere report upon the state of the law, and the institutions connected with it of that island. It is, we believe, this work which has made the reputation of Mr. Cameron, and which when we shall have more leisure, we contemplate introducing to the notice of our readers.

According to our own notions of things, we confess that hitherto the appointment of Mr. Cameron is the only proper one made; should Mr. Amos be added to the number of the commissioners, his nomination will add one more, to the score, of fitness of selection. For with every respect for the general acquirements of the commissioners from Madras and Bombay, it is our conviction, that the reports can only be well got up by persons whose previous education have fitted them for the

task. The experience of the civilians from the sister presidencies may be of great use in affording information; but we think will prove of none in the digesting such information into a report—and then the question arises, why must there be a civilian on the omission for Madras and Bombay respectively, and none for Bengal? and to us it appears, the question is a very difficult one to answer.

To effect any real practical good in the way of Legislation apparently contemplated by those who conceived the bright idea of a commission, it appears to us, that the commissioners should demean themselves, after the fashion of all other commissioners, we ever heard of; namely, that they should collect evidence, examine the best officers in revenue, and law, in all the presidencies, get information from their experience, and then digest it into a report, the plan of which should be settled, and the general outline of the questions to be asked, before the commission started on its travels. But it is not from the limited experience of one member of the Madras service, of one from Bombay, and of none at all from Bengal—and the upper provinces, that the vast body of information, requisite for the work of legislation, can in reason be supposed to be procured. It is, we conceive, the province and duty of the commissioners, to elicit, not from one individual, but from the *élite* of the service, the fruits of their experience, reading, and practical knowledge. That this course has not hitherto been pursued, we believe we are correct in stating—that it will be pursued for the future, we can only hope; and that the same judiciousness of selection, in the filling up of the vacant appointments, which has lately been exhibited in the appointment of Mr. Amos, will go a great way to redeem the character of and awaken the dormant capabilities for useful labor, in the Commission, it is our conviction.—*Cal. Courier, January, 23.*

In consequence of the departure from India of the Honorable Mr. Macaulay, Mr. C.H. Cameron, of the Law Commission, was yesterday sworn in as fourth ordinary member of the Supreme Council, and Colonel J. Young appointed to officiate as a member of the Law Commission.

The orders for these appointments will be found in a preceding column.—*Hurk. Jan. 23.*

#### COLONEL J. YOUNG.

No public appointment has been announced by us for a long time past, more likely to give general satisfaction than that of J. Young, Esq., to the Law Commission. We only regret instead of being a permanent appointment sanctioned by the home authorities, or

rather expressly ordered by them to be bestowed on him as the very fittest person to be found in India, it should be merely temporary. There is no one, we are quite sure, whose opinions on the peculiar subjects which come under consideration of the commissioners, would be regarded with more respect, nor would it be easy to find any one whose talents as well as studies, so peculiarly qualify him for the task. It would be no compliment to Col. Young to say, that had he been originally a member of the Commission, the public would have been spared the ludicrous exposure of presumption and imbecility with which it is now amused. From his long experience in India and former position

of high trust under one of the ablest of its Governors, we hazard little in saying, that had the new code passed under his revision, it would have been as distinguished for practical good sense and regard for public liberty, as it is now for the very reverse. We cannot help expressing the wish, in which we are sure we shall be joined by the greater part of our readers, that when Colonel Young's appointment is known in London it may induce the home authorities to take the first opportunity of making it a permanent one, as they will then have before them a convincing proof of the esteem in which the gentleman is held, both by the local Government and by his fellow citizens.—*Englishman*, January 24.

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#### MR. MACAULAY.

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The *Bengal Herald* of Sunday last, comments on our observations relative to the personal hostility which the Press has long manifested towards Mr. Macaulay, and states that the Press "says nothing about him in his personal capacity, nor cares about him in his personal capacity." We have not, however, seen any great anxiety to draw the line of distinction between his personal and his official character; but it is undeniable that the strongest feelings of hostility have been visible in all the remarks which have been made respecting him. We appeal to the experience of every one who has been in the habit of reading the papers, whether for three years the whole artillery of the Press,—from the great guns of the *Hurkaru* and the *Englishman* to the little swivel of the *Gyananneshun*,—has not been directed against him with a degree of vehemence and perseverance unexampled in the History of the India Press; whether, every form of writing, prose and verse, wit and sarcasm, ribaldry and declamation has not been employed to exhibit him in the most odious point of view. We have attentively observed the movements of the Press in Calcutta for more than a quarter of a century, and we must confess that we never remember to have seen abuse so indefatigably heaped upon any single individual before. The *Herald* says, that our defence of his character is feeble and injudicious, but the Editor appears to have overlooked the fact, that we disclaimed every idea of entering upon his defence. We contented ourselves with stating that if for the sake of argument, the fact of his delinquencies were admitted, still the vituperation of the Press appeared to us to have exceeded the bounds of a just and reasonable indignation, and that in the case of an individual so over abused, the probability of a speedy reaction in his favour was strong. And

by this opinion, judging from Mr Macaulay's character and attainments, and from the known principles of human nature, we are still willing to abide.

The *Herald* goes on to state, that, "the *Friend of India* will find that he misapprehends the matter entirely. On overpaid officer of the Supreme Court, a case put by the *Friend of India*, a salt agent, or other semi-sinecurist, is not to be much blamed if he pockets a large salary annexed to his office, for doing little, if he do that little, and no more. The fault is that of the system, not of the sinecurist. He is called upon to do but little and he does it, and it is not his fault that he is overpaid. But Mr. Macaulay engaged to do much; if he does little and yet receives much, he acts dishonestly; but if he does much harm, and still receives much good, he acts both fraudulently and ungratefully." The *Herald* says, that if we consult our candour, we shall find that our logic is unsound. We invoke his candour; therefore, while we apply his reasoning to the case; for we think, under correction, that it is our contemporary who has not clearly apprehended the matter. Adopting his style of argument might it not be said with truth, An overpaid member of the Supreme Council is not to be much blamed, if he pockets the large salary annexed to his office, for doing little, if he do that little, and no more. The fault is that of the Act of Parliament, not the sinecurist. He is called upon to do little, and he does it; it is not his fault that he is overpaid. The Act of Parliament which forms the charter, created a new office, that of fourth member of the Supreme Council; defined its duty to be that of "sitting and voting in the said Council, at meetings of the Council, for making laws and regulations;" and for the performance of this duty, fixed a



salary of £10,000 a year. To this duty and to this salary was Mr. Macaulay appointed. To pursue the argument of our contemporary, if Mr. Macaulay had confined himself to the duty of sitting and voting in the said Council, large as is the salary attached to it, he would have deserved no censure. Hence, we are brought to the conclusion, that his delinquency consists in his having in addition to this duty, consented to take on himself the drafting of the Acts, and subsequently that of presiding over the deliberations of the Indian Law Commission, and as he was not originally appointed to either of these offices, the delinquency with which he is justly chargeable, is that of having done more than his duty. Now, as Mr. Macaulay on accepting the office which had been created by the Legislature of Great Britain, engaged simply "to sit and vote in the Council;" and as it has never even been whispered that he neglected this duty, we do not see with what propriety the *Herald* says, that he is chargeable with having acted *dishonestly*. As to the charge of his having acted *fraudulently*, in "having done much harm and still receiving much good;" by which we suppose we are to understand his having sat and voted in Council for the Act, which is typographically called the Black Act, while he was receiving the salary ordained by Parliament; if it possesses any validity, we do not see how the other members of council, who sat and voted for this Act likewise, while they were receiving the same amount of salary, can escape from the same charge. And as the Court of Directors have now given their concurrence to this Act, while they continue to receive much good from India, in the shape of dividends and patronage, the charge must extend also to them. But the character of this Act, and in fact the character of all the acts in which Mr. Macaulay bore share, is a *matter of opinion* upon which there exists a great diversity of sentiment. Is it upon such grounds that it is attempted to fix on him the heavy moral guilt of *fraud*?

After the above was written, we received the observations of the *Hurkaru* on the same subject. Any lengthened reply to that article, we shall not attempt. We see many defects and deficiencies in the Code, and our contemporaries probably see more. The Code is submitted to public scrutiny in this country, as it will be submitted to Parliament in England, in order to draw forth public opinion, with a view to the correction of its anomalies, and the supply of its omissions. The value of our remarks in India will be measured by the calm and dispassionate tone in which they are conveyed. Long previously to the appearance of the Code, however the strongest feelings of hostility had been manifested towards Mr. Macaulay; and it is an incontrovertible fact that no individual has ever been pursued by the Calcutta Press with more unsparing and continuous acrimony. How far it has been deserved, is a question upon which our successors will decide; but the fact will not admit of a doubt. It was at the period when this prejudice against him was

at its height, that the Code, in the compilation of which he had taken so prominent a part, was presented for public examination. This we consider a very untoward conjunction of circumstances; because, it was scarcely to be expected, that the examination of it could be conducted in a spirit totally uninfluenced by these prejudices. Even if, by an effort of magnanimity, such a freedom from previous impressions could have been attained for the occasion, it would scarcely be credited at home; and it is to be feared that the comments of the Indian Journals, which ought to be, in a measure, the beacon to direct the judgment of those who are in England, will, therefore, be deprived of a large portion of their value.

But Mr. Macaulay is now beyond the sound of our praise or censure. When we next hear of him it will be in his own natural and legitimate sphere in the British Senate. His place at the head of the Law Commission has been filled, for the time, by Mr. Cameron, and that of Mr. Cameron, by Col. Young. We cordially congratulate the public, on the addition of Col. Young to the Commission. When the project of a Code for all India was first promulgated, the eyes of all men, both in the service and out of it, were simultaneously turned to him as to the individual, without whom, the Commission would not be complete; and it has been a matter of no little surprise, that in the formation of this legislative body, so great an error should have been committed as the omission of his name. An opportunity has just been placed in the hands of Government of correcting this deficiency, and it has been eagerly embraced. The appointment of Col. Young to the Commission, comes just at the period when his peculiar qualifications can be brought to bear most beneficially on the welfare of the country. The labours upon which the Legislators are now entering embrace the civil rights and privileges of the people, and demand, to a far greater extent than the penal section of the Code, large and comprehensive views, combined with an intimate knowledge of the varied interests of this vast empire; and there is no individual who could have been more appropriately selected to represent, and to watch over those interests, than Col. Young. It must be a source of no ordinary gratification to his friends, that this appointment has given universal pleasure, and inspired general confidence; and that the Press as well as the public, so invariably divided upon every other subject, are for once unanimous upon this. The appointment, however, is but temporary, and must await the confirmation of the Court of Directors. But we very much mistake the character and the public spirit of that body, if they do not discover, in this unanimity of sentiment among those whose interests are most deeply involved, the strongest argument for strengthening the Law Commission, by engaging Col. Young's services till the whole Code is complete — *Friend of India*, Feb. 1.

ON THE

## SETTLEMENT

OF THE

# NORTH WESTERN PROVINCES.

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Shortly after the appearance of No. IV. of our entertaining Miscellany, a King's Officer, who was running over its pages, was heard to exclaim, " Ah ! mangoes ! delightful ! " " white hat ! very good : " " Resumption of Rent free tenures ! Bah ! who the devil cares about those d——d black fellows." Now, it so happens, that we do care a great deal about the said black fellows, and shall not be deterred by this exclamation from endeavouring to expound what is a hundred times more interesting than the subject matter of that article. Where tens are affected by resumption, tens of thousands are affected by the settlement of the land revenue.

The discussion of the settlement question, as it affects these provinces, is the more necessary, as it was entirely excluded from consideration in the able summary of the revenue systems submitted to Parliament, by Mr. A. D. Campbell, of the Madras Civil Service ; except in certain insinuations thrown out respecting the superiority of the Ryotwar system, which we fervently pray may never depress and pauperise the flourishing north-western districts. These, we consider, under the peculiar patronage and superintendence of M. U. M., and, therefore, we are happy in being able to show that they have now got every single advantage that ever was predicated of the Ryotwar system, without one of its most glaring defects.

The very successful and rapid progress of the revenue settlements, conducted under the provisions of Regulation IX. of 1833, has far exceeded the most sanguine expectations. So little effect was that Regulation supposed likely to produce in remedying the errors of Regulation VII. of 1822, that one of the Calcutta Journals commented on its enactment in these terms :

" It is apparently expected that, after throwing overboard so much matter which had cost the unfortunate Holt the deliberation of a thousand years, his regulation will be rendered practicable and efficient ; an expectation which we hold to be altogether visionary. The upper provinces, we are persuaded, will never be settled under Reg. VII. of 1822 ; nor under any amendments which may be devised for it at intervals of eleven years, if they be not more effectual than those which have just been promulgated. If future Governments shall proceed as patiently as those which have intervened since 1822, the western provinces will never be "settled" at all the main bar to their prosperity will never be removed.

Some idea of the inadequacy of the remedy prescribed by this new regulation (IX.) may be formed from the following statement of the magnitude of the evils to be cured, extracted from a minute of Lord William Bentinck's, dated 20th January, 1832 :

'How completely the existing system has failed of attaining these objects, has been shown in the 5th and following paragraphs of the letter written by order of his Lordship to the Sudder Board of Revenue on deputation, dated the 31st of August last. And the following results, obtained from the replies furnished by the officers recently consulted, tend to shew the fact in a still stronger light. It should be observed, too, that none of these settlements, with the exception of a few in the Bareilly division, the Meerut division, and the Delhi territory, have received the confirmation of Government.'

<i>Districts.</i>	<i>Number of Villages Revised.</i>	<i>Probable time required for settlement of the District.</i>
Agra .....	145	16 or 18 years.
Saidabad .....	187	16 or 20 "
Allygurh .....	327	70 "
Cawnpore .....	"	4 "
Futtehpoore .....	4	20 or 25 "
Allahabad .....	25	50 "
Furruckabad .....	260	No period specified.
Belah .....	34	60 years.
Etawah .....	32	No period specified.
Sirpoorah .....	226	15 years.
Myapoorie .....	.....	No return.
Goruckpoore .....	765	7 or 8 years.
Raj Sutassees .....	Not stated.	3 or 4 "
Azimgurh .....	8	8 "
S. D. Moradabad .....	38	No period specified.
N. D. Moradabad .....	78	24 years.
Suheswan .....	.....	No return.
Bareilly .....	A 383	12 years.
Shahjehanpore .....	B 340	25 "
Pillibheet .....	57	14 "
S. D. Bundelcund .....	None.	No period specified.
N. D. Ditto .....	.....	No return.
Meerut .....	C 116	3 years.
Boolundshuhur .....	D 306	3 "
Moozuffernugger .....	E 60	15 "
Suharunpore .....	124	25 "
<b>DELHIE TERRITORY.</b>		
Rohtuck Division .....	.....	.....
Delhee .....	F 114	3 to 4 years.
Northern .....	G 100	2 to 3 "
Southern .....	.....	No return.
Western .....	.....	Ditto.

A Of these, 86 have been confirmed by Government.

B Of these, 10 have been confirmed by Government and the settlement of 139 more villages is stated to be nearly completed.

C Of these, 18 confirmed by Government.

D Of these, 10 ditto.

E Of these, 5 ditto.

F Of these, 63 ditto.

G Of these 12 ditto."

The best refutation of this will be to quote the following table, which appeared a few months since in the *Agra Ukbar*. In almost all the districts under settlement the work of one year exceeds that of the previous ten.

*Abstract statement of progress made up to 30th July, 1836, in revision of Settlement under Regulation IX. of 1833, in those Districts of the North Western Provinces, to which the measure has been extended.*

Division.	Zillah.	No. of Purgunnahs in Zillahs.	Actual demand of 1242 F. S.	Jumma of Settlement under Regulation IX. of 1833.					Total Jumma settled.	Revised Jumma confirmed or reported to Government for confirmation.	Jumma remaining for settlement next year.
1	2	3	4	5	6	7	8	9	10	11	
1st Division..	Allypore....	{ 12 and 7 } Talookas }	16,80,466	1,52,053	2,62,186	4,14,239	4,26,034	4,13,239	1,56,053	12,00,201	
	Boondshuhur..	18	7,93,958	3,62,724	"	3,62,724	7,40,178	7,88,758	"	5,200	
	Meerut .....	27	15,28,455	97,636	6,81,316	7,78,952	7,40,178	15,19,130	6,50,103	9,325	
	Saharunpore...	24	9,31,637	40,019	3,57,352	3,97,371	1,84,471	5,81,842	"	3,49,795	
2d Ditto.....	Farruckabad....	17	10,61,431	2,05,836	"	2,05,836	4,67,068	6,72,904	2,05,504	3,91,526	
	Muttra.....	15	16,97,350	9,18,588	2,46,380	11,64,969	3,37,907	15,02,876	10,31,346	1,34,312	
3d Ditto.....	Subeswan .....	11	9,03,236	4,41,888	1,04,441	5,46,330	2,07,638	7,53,968	2,89,094	1,60,339	
	Bareilly.....	12	13,15,195	2,36,294	31,261	2,67,555	3,86,233	6,53,788	2,19,515	6,61,407	
	Bijnour .....	16	11,00,287	31,488	2,75,492	3,06,980	"	3,06,980	31,488	7,94,815	
5th Ditto ....	Goruckpore ....	20	8,59,001	1,92,046	2,45,576	4,37,622	2,24,595	6,62,217	28,206	5,90,996	
	Asimgurh .....	17	10,96,983	3,54,916	3,87,239	7,42,155	1,32,043	8,74,198	4,01,898	2,22,784	
	Total .....	{ 189 and 7 } Talookas }	1,26,70,969	30,33,490	25,91,243	56,24,753	31,06,167	87,30,900	30,13,207	45,20,700	

The financial effects of these settlements may be considered highly favourable, as the following tabular statement will shew.

*Statement of Districts under Settlement in the N. W. Provinces.*

Districts.	Jumma previous to revision of pergunnahs, the assessment of which has been revised and reported.	Revised Jumma of the same.	Increase.	Decrease.
1	2	3	4	5
Meerut. ....	15,19,130	16,20,593	1,01,463	"
Allygurh.....	4,80,255	4,14,239	"	66,016
Suharunpoor.....	5,81,842	6,07,763	25,921	"
Boolundshuhur.....	7,88,758	8,14,802	26,044	"
Muttra.....	13,83,841	15,02,876	1,19,035	"
Furruckabad.....	6,79,010	6,79,222	212	"
Bijnour.....	3,06,781	3,06,980	"	"
Subeswan.....	7,53,968	7,65,285	11,317	"
Bareilly .....	6,53,788	6,53,788	"	"
Goruckpoor .....	2,68,005	6,62,217	3,94,212	"
Azim Gurh .....	8,45,041	10,34,283	1,89,242	"
82,60,618		90,62,048	8,67,446	
		Deduct....	66,016	
		Net Increase..	8,01,430	

The system which has brought about this creditable result has been much discussed, and while all agree as to the correctness of the principle on which the general settlements are conducted, some advance objections against the total indifference which has been shewn to field rentals and the absence of all detailed inquiry into the real assets of each estate.

At present we have no time to argue the matter, nor do we think that to unprejudiced minds there is any necessity for such argument. The present system has never yet been fairly before the public, and, therefore, those who attempt to go along with us in our explanations must prepare for much dry and uninteresting detail. I shall endeavour to shew the process which is followed according to the latest instructions which have been issued for the guidance of revenue officers.

When a tract of country is marked out for settlement, the first object to be obtained is the demarcation of the village boundaries previous to survey. The manner in which this is carried into effect varies in each district. But the usual plan of operations is for the tahseeldar and his establishment to mark off all the undisputed boundaries as soon after the rains as possible. They may be decided before the rains, but it will be necessary to go over the work again, in order that the mounds may be raised sufficiently high for the surveyor. The necessity for this double work would be obviated, and many other advantages would be gained, if brick pillars were erected, such as we see in cantonments; and, although a reference to the professional map will always shew where the boundary was fixed at the period of survey, yet there is great reason to apprehend that till pukka pillars or durable marks are erected, boundary affrays will not entirely be got rid of.

The tahseeldar is requested to send in weekly reports to the collector, and whenever he meets with a disputed boundary he is to report the circumstance, detailing the names of the contemninous mouzas and their proprietors, and the position and extent of the ground. To settle these disputed cases a covenanted assistant is deputed into the pergunnah with a native establishment of peshkars and ameens, if the tahseeldaree omlah are not sufficient for his

purpose. If he cannot persuade the parties to decide the case amongst themselves or by private arbitration within a week, he proceeds to empanel his own jury.

He selects a few men from amongst the most respectable landholders in the neighbourhood, who are directed to decide the case, provided the parties interested do not challenge any of the jury, on account of enmity, connexion, control or dependance, or any other valid reason whatever. The decision of such a tribunal both in boundary and judicial matters is supreme, and it is specially declared by Regulation IX. of 1833, that no appeal shall be allowed from such decisions, which are to be immediately executed and maintained, unless the commissioner, subject to the control of the Sudder Board of Revenue, should think proper for any special reason to direct the appointment of another panchayat to revise judgment. Courts of justice are also directed to non-suit any plaint preferred to set aside a decision passed in conformity with these rules.

The importance of fixing boundaries is as well known to eastern as western nations, and the punishment for removing land-marks has always been severe. In Deuteronomy the offence comes next to murder and manslaughter. In the course of settling these disputes, the most solemn adjurations are entered into, and it frequently happens that the decision of doubtful cases is left to the conscience of an opponent, who walks barefooted over the ground he indicates as the boundary, with his hand on his son's head, after being sworn by a Brahmin, undergoing purification, and performing other equally binding ceremonies. We remember an instance of a boundary being broken by the consent of both parties, in consequence of the death of the arbitrator. He was supposed to have had an unjust leaning towards one party; but even the one which he befriended was anxious to avert divine vengeance, by openly disavowing any connexion with the perjurer.

When the boundary is fixed, conspicuous marks are raised at each angle. The arrangement and numbering of these constitute a very important part of this duty, which the native ameens are very apt to disregard altogether, unless strictly superintended. The boundary, when once fixed, should never be removed. We have seen the worst consequences ensue from the vacillation of an officer, in enforcing the decision of a nunchayut. The old boundary disputes which have been long ago adjusted, are again raised, and cannot be allayed without prompt and decisive measures. On one occasion when a pergunnah was under survey, some villages which were held in jageer, received an enormous addition to their ruqba by several of the conterminous mouzas, throwing in a portion of their own areas into that of the jageer, in order to defraud the Government of its dues. It so happened, that within the last year these jageers lapsed to Government, and as the pergunnah settlement was concluded, the old khalisah villages claimed their respective portions of ruqba. The Collector, however, very properly refused to comply with their request, and the land which was fraudulently concealed now belongs to other villages, and the very proprietors are compelled to cultivate as asamees of the jageer village. This is, at least, retributive justice.

If the settlement were productive of no other good than the adjustment of boundaries, it would still render most important service to the community. The discord and outrages were the consequences of disputed boundaries are now happily set at rest, and the criminal convictions for affrays have decreased considerably in all those districts where the survey is progressing; as the records of the Court will abundantly prove.

When the boundaries are all adjusted, the surveyor commences operations. The two surveys which are now under their control are very different in their character. The one is a professional survey, giving the area of estates on the gross, and showing the total amount of cultivation, the culturable, and barren land, the sites of groves, roads, houses, jheels, huts, and other conspicuous objects. This is protracted scientifically on an elegant and uniform plan, on the scale of twenty chains or one quarter of a mile to an inch. The utility of such a record is pre-eminent. It forms the ground-work of assessment which

the collector appeals to in perfect confidence, as he cannot entertain any suspicion of its correctness. The cultivation, perhaps, is generally given a little in excess, as three *per cent.* deducted for the gross cultivation on account of roads and paterre divisions can scarcely be considered sufficient; and the usual deduction of ten *per cent.* from the "culturable land" on account of "barren waste" will frequently throw much more into the "culturable" than should properly appear. But still the general accuracy of the survey is vouched for by the concurrent testimony of all who have devoted their attention to the matter. To be sure, one or two instances have been heard of in which considerable negligence has been betrayed, in which errors of protraction, and *plus* vice *minus* off-sets have been detected. This, however, is very rare, and by its singularity only serves to render more conspicuous the general correctness of the professional returns. As these surveys proceed, their accuracy can be tested by the grand trigonometrical survey, and as whole districts are brought to completion, a satisfactory comparison of meridians can be effected by one or two triangulations. The interior professional survey is now dispensed with.

The other is the *khusrh* survey, exhibiting the exact position and area of each field, its fertility and capability of irrigation, its quality, number, and denomination. This is a most important record for shewing the present occupancies of the agriculturists, and for allaying many fertile sources of dispute. It is to be apprehended, however, that in the lapse of a few years many of the present field boundaries will be obliterated; not so much by subdivision on account of descent and partial transfers, as from the rotation of the crops, on which the west country agriculturists particularly pride themselves. The different system of cropping requires that the fields should be differently laid out, and the boundaries cannot be expected, particularly in fertile estates, to remain permanent.

This, however, is only a remote anticipation, and (except where the parties concerned prefer continuing their old village measurement or *humdeeguree pymaish*), for many years to come this *khusrh* will be found invaluable for fixing the rights of the occupants. The field map admits of any field being immediately identified, if it is only drawn out with sufficient care. By late orders the *khusrh* surveyors are directed to include the culturable waste, by which a better mutual dependence and contrast will be kept up between the two surveys. The field surveys are now carried on by contract at the rate of from fifteen annas to one rupee four annas per hundred beegas, and there is a superintendent appointed, who is to examine the work done, and satisfy himself of its accuracy wherever it is doubtful. These records are delivered to the collector, who allows the *tahseeldar* a certain time, not more than six weeks, within which he is to detect any errors; and wherever any charges of false measurement are made, he is personally to visit the spot, and re-measure it either by taking particular fields or going from boundary to boundary, or submitting it to any other process of verification that he may consider necessary.

This *partalling* should always be done with a chain, or at least the same kind of rod or rope should be used, by which the original measurement was made. We remember a man bringing heinous charges against an *ameen* for false measurement, one having measured with a chain, and the other with a rope made of *kujoor* fibre. This latter standard, indeed, is not true to itself. One gentleman who submitted it to many trials, found a difference of about two guttahs or six yards in the length of the *jureeb*, between measurements made at morning and noon-day.

The amount of field measurement which may reasonably be expected from one *ameen* and three *mirdahs* in one day, is fifty *pucka* beegas, so that the present contract of ten or twelve annas from the surveyor, and five or six from the collector for every hundred beegas surveyed, is very cheap.

We subjoin a table showing what was accomplished last year in this department.

**Professional and Khusrak Survey operations for Season of 1835-36 in the North Western Provinces.**

Name of District.	Professional Survey.						Khusrak Survey.						Total charge.			Rate per square mile of combined Survey.			
	Number of Mouzabs.	Average Area in acres.	Area Surveyed in acres.	Area Surveyed in sq. miles.	Cost per square mile.		Number of Mouzabs.	Average area in acres.	Area measured in acres.	Area measured in sq. miles.	Cost per square mile.								
					Rs.	As. P.					Rs.	As. P.							
Agra .....	812734	5,69,665	890		20	3	6½	781473	3,69,233	577	16	7	9½	27,512	14	0½	18	12	0½
Azimghur, W. D..	1767224	3,96,729	620		30	2	4½	1057123	1,30,577	204	15	10	8	21,869	8	3½	26	9	0½
Ditto, E. D. ....	12002514	2,95,508	461½		43	5	9½	1084118	1,27,755	199½	19	1	8½	23,854	14	1½	36	1	5
Bareilly & Shaheswan	1115425	4,73,920	740½		24	13	8½	980317	3,11,149	466½	14	3	6	25,307	7	4½	20	10	0
Goruckpore, E. D..	1755306	5,37,170	839½		23	6	2	1152179	2,06,884	323½	13	0	7½	23,832	10	6½	20	7	10½
Ditto, W. C. D. ....	587202½	1,54,221	240½		61	4	1½	589142	83,566	130½	23	7	8½	17,817	5	0½	47	14	4
Mooradabad .....	970565½	4,18,632	654		28	6	2	916291	2,66,846	417	17	2	6½	26,720	12	3½	24	0	3
Saharunpoor .....	887662	6,04,783	945		20	10	6½	531383	2,04,769	319½	12	0	7½	23,377	2	9½	18	7	8
Total ..	9083390½	34,50,628	5391½		27	5	11½	7093239½	17,00,769	2657½	15	11	2½	1,89,312	10	8	23	8	2½

N. B.—It is stated in Lord William Bentinck's revenue minute of the 26th September, 1832, that the total amount of jumma of villages surveyed by the Musahut Establishments under Regulation VII. of 1822, amounted to Rupees 27,27,092, surveyed at an expense of Rupees 7,24,340. Taking the professional area surveyed, we may reckon certainly on its bearing this amount of jumma, while the expense of both surveys is little more than one-fourth.

<i>Abstract</i>		<i>Square Miles.</i>
Surveyed from 1822 to the rains of 1833.....		11,334
Surveyed during the last four years.....		21,876
Unsurveyed. ....		38,421



It must be allowed that the cost of these surveys is sufficiently reasonable. At the congress of 1833 it was agreed, that each surveyor should measure an area of about 1,000 square miles, and it was assumed that the area of each mouzah averaged 800 acres. But the mouzahs have proved much smaller, and averaged in 1834-35, only 537½, and in 1835-36, 390½ acres. The greater number of circuits must, of course, have proportionately retarded their progress. Since the congress, the entire superintendence of the khusrah measurement has also been made over to the surveyors, and though the result is favourable, the system is not altogether free from objections. It is so easy to correct one survey by the other, that there is always danger that some scheme of adaptation has been resorted to. The Surveyor will tell you, this is impossible, because he never allows the professional survey area to be known to the ameens. But he does not consider that the ameens may procure it without his allowing it, by those many means which are always available to ingenious men. The totals frequently require examination, because into these the deficiency or excess is usually thrown, as being more likely to escape detection. The measurement in the detail may be perfectly right and, indeed, there is now seldom reason to suspect that it is wrong; but the Ameens, knowing they have to produce a certain result, make their totals accord to the standard by which it is well known they are to be tried. We shall have reason to show that these fictitious entries are by no means uncommon settlement as well as in survey, originating in a somewhat universal human infirmity, rather to seem to be right than confess oneself wrong. Since these surveys have been conducted under the new contract, their cost has greatly diminished. In the season of 1834-35 the expenses of the native field measurement were 10 rupees 3 annas 3 pie, and in 1835-36, they were 8 rupees 14 annas 6 pie, per square mile; and including European superintendence, the average cost of khusrah work has been reduced during the last year, from rupees 16-7-3 to rupees 15-11-2½, per square mile. The rate at which the European superintendence of the khusrah is charged, is too high. Supposing the areas of both surveys to be equal, the professional bears two-thirds, and the khusrah one-third of the expense. Each survey, of course, bears the expense of its own native establishment. The field measurement ought not to be charged with more than one-fourth, and even that is more than the proportion of labour which is bestowed upon it by the European establishment. However, it is a matter of no importance, except as far as it might affect the khusrah's reputation, which we should wish to see unblemished, in order that no inducement may be offered for dispensing with that useful and necessary document.

The survey being completed, the collector commences his proceedings. The first object of attainment is the determination of the jumma, and it is in this point that the chief departure has been made from the old system under regulation VII. of 1822. The revenue is not fixed according to tables of produce, and in consideration of field-details, but after comparison of general results with a few particular inquiries. Large tracts are selected for settlement, instead of detached mouzahs, and thus a means of comparison is obtained, which cannot but tend to produce equalization of assessment and uniformity of practice. The settlement is directed to be made somewhat in the fashion of the old Ryotwar, by proceeding from the aggregate to the detail. This, however, is frequently not done, and, in most instances, there is no urgent necessity why it should be done, for the assessment can be fixed just as well by comparing one mouzah with another, and assuming some standard rate which is to be applied, under ordinary circumstances, to each village, as by the analytic process.\* The certainty of there being, in every pergunnah, a few villages which are avowedly well assessed, should teach the collector to make, as near as possible, an approximation to their standard. When he has satisfied himself

\* In both processes the mental operation is precisely the same, but to explain how would involve too many metaphysical subtleties for us to introduce here. A good settlement officer resorts to both, but the distinctions are so nice and impalpable, as frequently to escape observation.

that he has assumed a correct rate, he should allow none of his jummas to vary from it without reason. The information which will enable him to do this with perfect confidence is obtained without difficulty. With the balance statement of thirty years to refer to, with the fiscal history of every mouzah obtainable from the public records, with information gleaned from the local officers, and the agricultural community to guide him, a sensible man, even with these aids alone, will be able to fix what a mouzah should pay without much fear of error. But, besides all these, he now enters on the settlement of a pergunnah with the tabular statement before him, showing the extent of the cultivation, the culturable waste, the irrigation, and the average rate at which the present revenue falls on the whole of the malgoozaree and culturable land. He cannot wander very widely from the mark with such guides. Excessive over-assessment is at once brought prominently forward, by immediately suggesting the inquiry—*why* one mouzah is assessed higher than another? It is perfectly impossible that inequalities can escape detection, because, by running the eye down one single column of the tabular statement, he will not be satisfied at seeing a few mouzahs paying, perhaps, four rupees on their cultivation, while the average run of the pergunnah is just half that sum. Either one must be too high, or the others too low, and he will not rest content till he has ascertained the truth.

We will suppose the jumma to be now fixed; the preparation of the settlement record comes next, and his may be considered in reality the most important stage in the proceedings. The printed orders direct that the proprietors, under the superintendence of the tahseeldar and canoongoes, are to furnish through the putwaree of the mouzah a thokewar, puttewar, or behreewar, khutteonee and teerij, according as the mouzah may be held in any of the above modes, connecting each sharer holding separately with the land he holds, and shewing the proportion of revenue due from each, according to the distribution which the community may have made of the jumma fixed by the Collector. Every kind of incident connected with the tenure is to be recorded, so that no case may hereafter arise which may not instantly be adjusted by the settlement papers. All adjudications of future summary suits are made entirely dependent on this register. The rate at which the lowest peasant pays is carefully entered, and this is not liable to enhancement without previous notice and agreement. The constructions by the Suddur Dewanny Adawlut of section 18, regulation VIII. of 1819, and of regulation VII. of 1822, fully bear out this view, and nothing will so much tend to produce confidence and security as a strict enforcement of the law in all cases where it is contravened.

With regard to the proprietors, or the village maliks, or zemindars (synonymous terms in the western provinces), it is distinctly stated, that at the time of settlement, they must declare their determination either of holding villages on joint responsibility or defining the mode of division, so that, in case of transfer for default or decree, the amount for which a sharer is responsible, or the actual quantity of his land, may be known. Unless every information respecting the sub-divisions and fractional shares is declared, no relaxation of the principle of joint responsibility is admissible.

If parties cannot agree respecting the amount of jumma which they should respectively contribute, or if any cultivator declaims against the rate which he has to pay, the case is to be decided by a jury or by arbitration, in the manner already pointed out. Cases of the former kind very frequently occur, and unless the Collector is heartily aided by the agricultural community, they are very difficult of adjustment. But, after a short experience, he is able to hit upon numberless expedients to pacify clamorous suitors. An intimate knowledge of the village tenures soon enables him to offer an equivalent to an injured suitor, by proposing some abatement in his quota of payment, by effecting an interchange of land, or otherwise inducing the litigants to compromise the matter. If the Collector feels himself unable to settle a dispute amicably, he must resort to a panchayat. It is easy to issue an order in the case, but it will never be obeyed;

any attempt at authoritative interference in village administration is worse than useless. The Collector, if he cannot induce the people to obey him by his moral influence, must leave the case to be decided by the landholders themselves. The justice of a claim never escapes them, and juries deciding in the presence of hundreds of their companions, and acting under the most rigid surveillance would not dare to expose themselves to the obloquy of an unjust award.

The Persian records, which are of so much benefit to the cultivator, are of three kinds. One is for the zumeendaree mouzahs, in which there is a column shewing the rent which the cultivators pay for each field possessed by them, whether in grain or money, or at a valuation before severance. This, though usually filled up from the information of the proprietor and village accountant, can scarcely be considered complete till it has obtained the concurrence of the cultivators, and where this has been omitted, as it has in some districts, it is chiefly owing to a misapprehension of the printed orders. This column shews at what rate the zumeendar is to collect, and for what amount of rent he can sue and distrain. The second kind is that in which there are many proprietors with *asamees* under them, the former paying by *bach* will be excluded from the *durbundee* column, but the rates paid by the latter class must be recorded. In some mouzahs, particularly in Agra, the *asamees* pay the same *bach* as the proprietors, for reasons which it is difficult now to trace; but, most probably, it originated in over-assessment, or deficiency of capital, as in many mouzahs in the Begum Sumroo's jageer, lately lapsed to Government, the same system has been found to prevail, and in them this custom is evidently attributable to those causes. It is obvious that in *bach* mouzahs the severity of the rate is alleviated by extension of cultivation, and if the proprietors have not capital or labourers to spare, they are too glad to allow strangers to cultivate the waste and pay their quota of revenue, without demanding from them any rent or any other acknowledgement of superiority. The third kind of papers is for a mouzah where there are solely proprietors, who may either pay a fixed rate for the land which is then in their occupancy, or one which varies every year according to the actual quantity of land which they cultivate. When these papers are complete, it only remains for the Collector to draw out his proceedings, state his reasons in each instance for fixing his jumma, and send up the whole pergunnah together in a tabular form, with a concise general report to the Commissioner.

Nothing can be wanting to complete the excellence of this system, and we shall now proceed to show the mode of practically working on these principles. Great latitude is, of course, allowed to settlement officers to carry them into effect in the manner which suits them best, and though all are obliged to conform to one common standard, yet, perhaps, no two agree together about the best method of executing its details. We will take the one we have seen most of, and which, whether right or wrong, has at least been found efficacious.

When the survey of pergunnah Mhow was completed, and ready for settlement, the Collector, after examining the records of his office to ascertain the fiscal history and proprietary changes which had transpired in every village, issued a proclamation to the effect that his tent would be pitched at Shahjehanpore, in the centre of the pergunnah, on the 5th of December. The proclamation was not issued in the usual *chuspaneedu shood* style, but to every chuprassee was allotted ten villages in one vicinage, in each of which he was to publish three different times, by beat of drum, that the twenty years' settlement was about to take place, and that any man who had any claim to be adjusted of any kind connected with settlement was to make his appearance, whether chokeydar, ryot, coparcener, or lumberdar. The number of people that this drew together was astonishing; not only all the litigants but all the *tumash beens* of the neighbourhood were attracted to the spot. There were 250 villages in the pergunnah, and there must have been at least 3,000 men present whenever the cutcherry

hour approached. The comitia were invariably held in the open air, and regularity in so large a crowd was preserved in the following way :—A space of about forty feet square was marked out by ropes, within which no one was allowed to come, except for special reasons. A mound was raised in the middle of one side of the square, on which the Collector, one or two of his omias, and visitors and friends from cantonments (ourselves amongst the number), were privileged to sit. Opposite to this point two smaller squares were formed outside the large one, and these were always kept open to admit litigants, remonstrants, and petitioners. Two squares were formed in this place instead of one, merely for the purpose of dividing plaintiffs from defendants; and this was very necessary as there were frequently fifty men on each side in disputed questions respecting village administration. On the right and left of the Collector carpets were strewn outside the rope for the most respectable of the native visitors and zemindars. All the feuds in the pergunnah were distinctly marked by the people one side clubbing together, and not intermingling with the other. Those who could not be comfortably accommodated on the ground, by reason of the crowd, climbed up the trees, and seated themselves on the boughs. When the Collector reached the spot where all had been prepared for his reception, he ordered all the men who were assembled to seat themselves, and the business of the day commenced.

But before these grand tribunals were held, the Collector had, for the first fortnight, been out in different parts of the pergunnah, inspecting the villages, and holding personal communication with every intelligent person in the neighbourhood. By the pergunnah map he could easily arrange, so as to visit the villages in regular succession. His camp was moved to the four remotest corners in the pergunnah for two or three days, each time, and all the surrounding villages were inspected. His establishment remained meanwhile at Shajehanpore preparing the papers. The remaining villages which were closer to the fixed camp were easily examined during the remainder of his stay. The use of these personal visits has been questioned, but surely a fair judgment may be formed of the pressure of the jumma from the state of repair of the village, from the mode of husbandry, the comforts of the people, and the state of the crops; and, above all the general character of the soil may be examined, so as to trace from what part a new variation occurs. It must be considered, however, that this is merely auxiliary to other means of inquiry. Were entire dependance placed on such results and deductions, and were they not submitted to comparison, it might, perhaps, be considered presumptuous in any officer to profess to gain a knowledge of the assets of a village by riding across its area, and inspecting or pretending to inspect its capabilities; but with the survey and other preliminary statements before him, such inquiries and examination must obviously be of great service.

The day we arrived in Camp was the first on which the public comitia were assembled, and we confess ourselves struck with the patriarchal mode of distributing justice. Of the private conferences held every day, we shall speak shortly when we come to the subject of assessment. Almost the first petition presented was by a certain Sibba, who stated that he had been unjustly ousted from the possession of one hundred beegas of land through the instrumentality of the lumberdar, Maharaj Sing, who, when the khusruh measurement was taking place, had caused him to be apprehended in the Foujdaree Court on a false accusation, and had, through collusion with the putwaree, got this land measured as his (the lumberdar's) property. We remarked to the Collector that the complaint appeared to excite great interest among the zemindars, and he, after hearing the statement of both parties which were, of course, contradictory, directed that any man who could speak in favour of the petitioner's claim should come forward and avow his knowledge. On this a confused murmur arose, and every one seemed to speak in favour of the petitioner; but the Collector, not being satisfied that he distinctly apprehended them, ordered all who were persuaded of the justice of the claim to stand up.

On this, the whole multitude stood up *en masse*. Nevertheless, apprehensive that they might possibly have misunderstood his question, he directed them all again to be seated. When they were all level, and scarcely one head appeared above the other, all those who considered the petitioner's claim to be *unjust*, were ordered to stand up. But not a soul rose in favour of the oppressor, and the Collector having examined the putwaree's accounts minutely, and ascertained that the petitioner had been in possession of the land, of course, directed his reinstatement, and excluded, with the concurrence of the proprietors, Maharaj Sing from the future management of the village. Sibba was allowed to succeed him. The air was rent with acclamations at this summary, expeditious, and certain mode of dispensing justice; and M.U.M.'s heart rejoiced to see a simple and uncorrupted (because they were, happily, nescient of Courts and their injurious influences) a simple and uncorrupted people, so enthusiastic in defending the poor and helpless against the proud man's contumely.

Cases on which evidence was requisite, were disposed of by the Collector's own order, or by reference to a more private punchayat; but all questions into which the *pergunnah* zemindars might be supposed to have entered, and which could not have escaped their observation, were referred in this manner to the public sense of the meeting: and really the unbought and unsolicited testimony of three or four thousand peers must come very near the truth; and at any rate must be more trustworthy than the *gunga jullee* oath of two paid witnesses.

In cases which could only be settled in the presence of the whole village community, such as claims to be exempt from the payment of village expenses, demands of fresh re-allotments of *jumma* on the several component puttees of a *mouza*, of partition of culturable waste, &c. the petitions were reserved till the period that the settlement papers were sent in, when either the *razeenama* of the claimant accompanied them, stating that he had received his full right, or the disputed matter was reported by the settlement writer for the decision of the Collector, who was always able, at one glance of the record, to see on what grounds the claim rested, which he could not have done as long as the papers were unprepared. But there were scarcely any plaintiffs who were not fully satisfied when the papers were made out. Indeed the only reason in most cases of their petitioning was, that they were not aware of the minute specifications which were entered on the proceedings for the protection of rights and privileges. The preparation of these records of municipal administration was entrusted to experienced and well-paid officers, who had been previously taught to exclude all fictions from their accounts, and register only the existing state of affairs, and the mutual agreements by which parties were to be bound for the period of settlement. If, on any occasion, there was reason to doubt the strict propriety of the entries, a superintendent was despatched from the *Sudder cutcherry* to revise and re-cast them, if necessary.

We now come to the method of fixing the assessment, which was reserved for future consideration. The tabular statement which the Collector had with him when he entered the *pergunnah*, was drawn out in the following form, exhibiting almost all the material points on which preliminary information was required. This shewed him at one view the total area measured by the professional survey, the quantity of land which ought to be excluded from assessment, the culturable waste, the cultivation of one measurement contrasted with the other, the average *jumma* which each *mouzah* had borne since the cession, amount of *jumma* which the local officers considered equitable, and the rates at which the present *jumma* fell on the cultivated and culturable area. We will extract the first twenty-five villages as they appeared previous to settlement on the Collector's list. We have no room for more.

Number.	Name of Mouzah.	Area in acres.	Deduct.		Uncultivated.		Professional Survey.		Khurrah Survey.		Average Jumma since the census.	Theobald's Estimate.	Quangoe's Estimate.	Present Jumma.	Average on Malgozarea area.		Average on Cultivation.	Jumma according to Pergunah rate.	Proposed Jumma.	Remarks.			
			Barren waste.	Rent free.	Culturable waste.	Fallow.	Cultivated.		Cultivated.														
							Irrigated.	Unirrigated.	Irrigated.	Unirrigated.													
1	Ulleepoor .....	590	30	35	93	0	200	232	157	257	1183	1240	1260	1240	2	5	9	2	13	11	1006	1140	This Column is filled with all the information respecting each village which the Collector is able to acquire.
2	Sumundnagar. ....	784	91	7	266	17	280	123	241	182	1650	1825	1725	1825	2	10	6	4	8	5	1055	1055	
3	Jurrandah. ....	1729	306	75	783	0	40	525	40	474	931	1500	1540	1500	1	1	9	2	10	6	1038	1600	
4	Kherahdhas. ....	343	15	3	196	0	45	84	45	126	290	415	390	340	1	0	8	2	10	2	282	340	
5	Ferozepoor. ....	749	41	18	433	0	176	81	154	181	519	660	680	600	0	13	10	2	5	4	669	669	
6	Mohanpoor. ....	507	10	8	394	0	60	40	60	157	176	260	260	200	0	6	5	2	0	0	250	250	
7	Sadutnagar. ....	349	38	1	0	0	174	136	174	140	598	825	825	725	2	5	5	2	5	5	760	760	
8	Chandpoor. ....	1003	68	29	20	0	371	515	371	492	1940	2150	2100	2100	2	5	1	2	5	11	2014	2200	
9	Jafferpoor. ....	402	36	9	9	0	177	171	177	174	521	700	730	680	1	9	11	1	10	8	830	830	
10	Khandepoor. ....	2874	943	33	332	20	705	841	705	854	3116	3800	3880	3500	1	13	6	2	4	3	3587	3587	
11	Noorpoor. ....	870	96	34	0	8	420	312	420	339	901	1600	1650	1450	1	15	4	1	15	8	1806	1720	
12	Roodgun. ....	883	75	26	58	0	335	389	255	445	1415	1625	1575	1425	1	13	2	1	15	9	1685	1585	
13	Ghundrowlee. ....	480	12	26	133	0	76	233	57	249	387	675	700	625	1	4	4	2	0	4	635	675	
14	Govindpoor. ....	345	37	11	3	0	63	231	30	264	399	600	620	550	1	13	7	1	13	11	591	591	
15	Sodaepoor. ....	502	101	6	96	0	58	242	58	47	616	600	650	650	1	10	3	2	2	8	597	597	
16	Sithowlee. ....	720	151	41	162	3	83	404	83	401	803	1040	1060	940	1	12	3	1	14	10	956	940	
17	Cheeturpoor. ....	620	94	4	162	4	34	486	34	489	778	1075	1125	1075	1	11	7	2	1	1	953	1000	
18	Sukhtween. ....	690	62	6	98	0	112	415	54	541	889	1000	1025	925	0	11	7	1	12	1	1062	1012	
19	Pernanundpoor. ....	1363	40	36	750	0	16	104	16	154	173	250	220	180	0	5	7	1	8	0	230	230	
20	Kuranpoor. ....	524	10	1	393	0	56	307	56	325	314	700	675	575	0	9	11	1	9	21	705	575	
21	Lubharree. ....	1365	374	64	544	20	356	805	356	810	1325	2325	2100	1325	0	8	11	1	2	14	2476	2225	
22	Thandpoor. ....	2470	104	9	1196	0	56	276	25	232	506	586	611	561	1	8	1	1	12	4	603	603	
23	Sarharah. ....	574	201	0	57	0	40	248	0	405	392	515	540	440	0	13	9	1	2	11	678	678	
24	Soraha. ....	647	135	0	141	0	23	348	0	405	392	515	540	440	0	13	9	1	2	11	678	678	
25	Haempoor. ....	296	24	5	0	11	60	196	60	212	288	500	520	450	1	10	10	1	12	2	523	450	
Total. ....		21,669	3094	482	6194	83	4007	7809	3675	8261	20,852	27,247	27,313	24,482	1	5	7	2	1	1	25,679	25,913	

The Collector, from local inquiry, and inspection of the soil, and close examination of the best putwaree papers, and by comparison with the rates assumed in the neighbourhood, considered that a fair average revenue rate (supposing the condition of the cultivators and the capabilities of the soil in all instances to be equal) would fall at the rate of three rupees on the irrigated acre, and one rupee twelve annas upon that which had no means of irrigation. This agreed very well with the testimony of the Mcfussil officers and others who might be supposed to take a consistent view of the circumstances of the *pergunnah*, which represented that it was capable of bearing an increase of about 12 or 1,500 rupees. He then tried how far the assumed rate would correspond with the revenue of those villages which were unanimously allowed to be justly assessed, deriving a fair profit for their labour and stock, encumbered by no anticipation mortgages, or other alienations, and paying the Government demand without difficulty at the stated periods. He tried it upon numbers 16 and 17. In the former he only found 16 rupees, and in the latter only 13 rupees difference between his assumed rate and the amount of revenue which they paid. All this made him confident that he ought, as nearly as possible, to make the jummas approximate to this standard. His local inquiries and private conferences guided him in admitting variations from it.

For about the first fortnight he had been in constant communication with the zemindars, whether in his fixed camp, or out on his explorations. After a cursory examination of their physiognomies, or from their general repute in the district, he was soon able to ascertain who were the most intelligent landholders in his camp. Of these he took about two from each of the predominant castes, and went through with them the whole of the village *seriatim*. The number, as we said before, was 250, we have in the table taken 25 as an integral *pergunnah*, merely for the purpose of illustration. The result of his communication with these men was to render any further inquiry in one hundred estates totally unnecessary, because their united testimony exactly tallied with the information conveyed by his tabular statement. There then remained 150 about which he was to make inquiries. He was in some doubt about half of these, and wished to have the first opinions corroborated by other authority. Twenty or thirty more zemindars were therefore called in, and he was enabled to strike off one-half, when he found his doubts cleared up. Of the remaining 75, some would be struck off every day, when further testimony enabled him to come to a determination. In this manner was the whole *pergunnah* reduced to ten villages only, respecting which he was not able to make up his mind; as they presented anomalies almost incapable of explanation, or were so much above or below the average rate, that without the most ample grounds for forming an opinion, he was unwilling to lower the jumma inordinately, or raise it to an amount which the proprietors would be unable to pay. Before forming his resolution on the amount which these anomalous mouzahas ought to pay, he had received no less than two hundred private opinions of the agriculturists themselves. These regarding which the Collector still had a lingering doubt, were tried out in the open air according to the manner in which the juries were held, either by shew of hands, by standing, or sitting down, or any other method by which the sentiments of such a large mass of people could be obtained. Surely he could not, after this, have greatly erred when he came to fix his assessment.

On the day appointed for this important work the crowd was unusually large, but every thing was conducted with great regularity. The Collector called out the name of the mehals as they were to be assessed. When the zemindars appeared within the smaller square, the Sudder record of the fiscal history was read out, and all names rigorously excluded from the *durkhasts* which were objected to by all the sharers. When it was determined what names were to be signed on the engagements, the jumma was given out, and a blank *durkhast* and blank inkarnama were placed before them. As they knew pretty well that their jumma had been virtually fixed by their own companions and neighbours, they were not long in taking up the former. They

then came within the large square, and signed the engagement before the Mofussil omiah and witnesses. In this manner were the villages of the pergunnah settled one after the other, and the whole was completed in three days.

In the column which was left blank to admit of remarks, the settlement officer by ciphers or abbreviations recorded the opinions of the zemindar on each mouzah, and the reasons which induced him to adhere to, or depart from, his assumed pergunnah revenue rate. These would be expanded in the miscellaneous general remarks appended to the form, known as No. II., but the substance of them may be thus extracted.

No. 1, *Ulleepoor*.—In this mouzah the jumma remains 134 rupees beyond the revenue rate. But it has been reduced 100 rupees below the former amount, and will now remain below the average demand since the cession. No further abatement is requisite. The soil is of a good quality, and the means of irrigation are not deficient.

No. 2, *Samundnugur*.—The former jumma of this mouzah was very severe, falling at a rate of no less than 4 rupees 8 annas and 4 pie on the cultivated area per acre. There was nothing whatever in the circumstances of the village to warrant this excessive rate, which, indeed, could not have been paid, had not the same proprietors held three other villages in pergunnah Nizamabad, which were under-assessed. As those have by the late settlement been raised to their respective pergunnah rates, justice demands that this should be lowered to the same standard. The jumma has, therefore, been fixed at the revenue rate, which involves a reduction on the former demand of 770 rupees.

No. 3, *Jurraendah*.—The present jumma appears severe, but it has not been retained without reason. The Khusruh agrees with the professional survey respecting the amount of irrigation, because in this, as in similar instances, where the latter gives only the amount of wells, the irrigation is returned according to the detailed khusruh survey. On examining this mouzah closely, with a view to relieve some doubts respecting the jumma, it was ascertained that several wells had been concealed from the surveyor by stacks of *bhoosa*. As it was therefore evident that the assets of the estate were not fully represented by the rent rate, the zemindars did not appear entitled to any indulgence. No alteration, therefore, has been made in the jumma, which has hitherto been paid without difficulty.

No. 4, *Kherahdhass*.—Although the present jumma is above the revenue rate, it has been retained, because plenty of good culturable land exists, which, with the exercise of a very little industry, would afford a remunerating return.

No. 5, *Ferozepoor*.—The circumstances of this mouzah induced the demand of the full revenue rate. Abundant means of irrigation exist, and there is plenty of culturable waste.

No. 6, *Mohsunpoor*.—The same remarks will apply to this village.

No. 7, *Sadutnugur*.—The same remarks also will apply here; except that the vicinity of the market town compensates the deficiency of culturable waste. The village also is densely populated.

No. 8, *Chandpoor*.—The revenue rate falls below the former jumma. Nevertheless an increase of 100 rupees has been demanded. The reason for this is to be found in the superiority of the soil, and the easy means of extending the irrigation over the whole area on account of the contiguity of the water to the surface. Engagements were proposed by another party for a jumma of 2,600, rupees which were not accepted, because the present incumbent acceded to reasonable terms, and the offer, moreover, was made from motives of enmity and revenge.

No. 9, *Jafferpoor*.—The revenue has been raised to the full amount of the revenue rate, as there was nothing in the condition of the mouzah to justify its exemption.

No. 10, *Khaudpoor*.—This has also been raised by a very small amount to the pergunnah rate. The canoongoe and tahseeldar proposed a larger



increase, chiefly it is to be believed on account of the tractable disposition of the proprietors, who are Brahmins, and would have acceded to any terms which might have been proposed.

No. 11, *Noorpoor*.—The revenue has been raised 270 rupees beyond its former amount, but still remains below the pergunnah rate, as there is no land which is not already under crop.

No. 12, *Roodagun*.—Almost the same remarks are applicable in this instance. There is not much land which is not already cultivated, and the Government demand has been fixed 150 rupees below the general rate.

No. 13, *Chundrowlee*.—Forty rupees above the rate have been demanded on account of the large proportion of waste land.

No. 14, *Govindpoor*.—The jumma has been fixed with reference to the revenue rate, which is not much in excess of the former amount.

No. 15, *Soduespoor*.—The revenue rate has been taken as the jumma, and an abatement has been granted to the amount of 58 rupees.

No. 16, *Sithowlee*.—This jumma differs so little from the general rate that it would have been injudicious to make any alteration.

No. 17, *Cheeturpoor*.—Ditto ditto.

No. 18, *Suhwaen*.—The jumma has been reduced 75 rupees, which is not quite to so great an extent as the rate would have warranted, because there is some good waste-land easily reclaimable.

No. 19, *Permanundpoor*.—The jumma has been raised, but remains 50 rupees below the revenue rate, as the zemindars are not in very prosperous circumstances. The waste land is of inferior quality, and would require more capital and skill for its cultivation than the proprietors are likely to acquire during this settlement.

No. 20, *Kurnapoor*.—The revenue has been raised to 50 rupees, which brings it exactly to the amount of the general rate.

No. 21, *Subharee*.—This mouzah is not prospering. The proprietors are Goojurs, and by no means partial to industry. The perpetual quarrels between the members of this fraternity have injured the mehal. The lands are indifferently cultivated. No means are taken to improve the irrigation, and it was considered advisable to leave the jumma without alteration, for the revenue rate could not have been paid. Farming offers were invited at the 5th settlement, but the turbulent character of the Goojurs deterred respectable men from coming forward.

No. 22, *Thanpoor*.—This is a jât village, and lapsed to the British Government in 1230 Fusly. It was previously held in jageer by Mooshtaq Shah. It has remained ever since that period at the present jumma, having never been subject to any intermediate settlement. It is one of the finest villages in the pergunnah. Minute investigations were entered into before the new jumma was fixed. The putwaree's papers and a summary suit filed while Thanpoor was held in jageer shewed the rental to exceed 3,200 rupees, so that the new jumma cannot be severe; and even if the full revenue rate had been taken, the average on the cultivation would still have remained moderate. The culturable waste is very large, and some of it is of very good quality. In order, however, to alleviate the difficulty of immediately paying so large an increase as 900 rupees, the jumma is made progressive, and will not reach its maximum for ten years. The assessed jumma forms nearly a mean between the estimate of the canoongoe and tahseeldar.

No. 23, *Sarharah*.—The revenue rate has been assumed as the Government demand.

No. 24, *Soraha*.—Ditto ditto.

No. 25, *Haempoor*.—The old jumma has been retained although below the revenue rate, as there is no culturable waste to increase the present resources of the proprietors.

When all these alterations had been carried into effect, the general statement was drawn up in the prescribed form, and exhibited the following results :

Number.	Village.	Highest jumma first settle- ment.	Highest jumma second set- tlement.	Highest jumma third set- tlement.	Average ditto for past five years.	Proposed jumma.	Acres.	Total area.	Deduct Mil- har.	Malgoozaree.						Assessment on total area per acre.	Ditto on total malgoozaree land cultivated and cul- turable per acre.	Ditto on land under culti- vation per acre.
										Uncultivated.		Cultivated.						
										Culturable waste.	Lately aban- doned.	Irrigated.	Not irrigated.	Total cultiva- tion.				
1	Ulleepoor .....	1180	1218	1218	1240	1140	590	35	30	93	0	200	232	432	1 14 10 1/4	2 2 9 9	2 10 2 1/4	
2	Summandunger .....	1688	1749	1746	1825	1055	784	7	91	256	17	280	123	403	1 5 6 6	1 8 7 9	2 9 10 1/4	
3	Jurrahndah .....	1020	1060	1075	1500	1500	1729	75	306	783	0	40	525	565	0 13 10 1/4	1 1 9 9 1/4	2 10 5 1/4	
4	Kherahhas .....	964	993	295	340	340	343	3	15	196	0	45	84	129	0 15 10	1 0 8 8	2 10 2	
5	Kerzpoor .....	454	517	517	600	669	749	18	41	433	0	176	81	257	0 14 3 3/4	0 15 6 2	2 9 7 1/4	
6	Molianspoor .....	30	40	500	200	250	607	3	10	394	0	60	40	100	0 7 10	0 8 2 2	2 8 0	
7	Sadutnagar .....	371	435	435	725	760	349	1	38	20	0	174	136	310	2 2 10	2 7 10	2 7 10	
8	Chandpoor .....	1833	1832	1847	2100	2300	1003	29	68	9	0	371	515	886	2 3 1	2 6 10	2 7 9	
9	Jafferpoor .....	519	519	519	580	830	402	9	36	9	0	177	171	348	2 1 0	2 5 2 2	2 6 2 1/4	
10	Kanderpoor .....	2398	2646	2646	3500	3587	2874	33	943	332	20	705	841	1546	1 3 11 1/4	1 14 1 1/4	2 5 7 1/4	
11	Noorpoor .....	639	780	780	1850	1720	870	34	96	0	8	420	312	732	1 15 7 1/4	2 5 2 1/4	2 5 7 1/4	
12	Rodagun .....	1239	1425	1425	1425	1585	883	26	75	68	0	335	389	724	1 12 8	2 0 5 5	2 3 0 1/4	
13	Ghandrowlee .....	116	235	400	625	675	480	26	12	133	0	76	233	309	1 6 6	1 8 5 6	2 2 1 1/4	
14	Gorindpoor .....	108	275	425	550	591	345	11	37	3	0	63	231	294	1 11 4	1 15 10	2 0 1	
15	Sodaspore .....	382	465	750	650	597	602	6	101	95	0	58	242	300	1 3 0	1 8 2 2	1 15 10	
16	Sithowlee .....	251	635	635	940	940	720	41	151	38	3	83	404	487	1 4 10 1/4	1 12 5 1/4	1 14 10 1/4	
17	Cheesturpoor .....	603	739	801	701	701	620	4	94	162	4	47	313	360	1 2 1	1 5 5	1 15 1	
18	Sakween .....	484	559	650	1075	1000	690	6	62	98	0	34	485	520	1 7 2	1 9 8	1 14 9	
19	Permanandpoor .....	817	917	917	925	1012	1353	36	40	750	0	112	415	527	0 11 11	0 12 8	1 14 8	
20	Kurmapoor .....	42	75	220	575	575	624	1	10	393	0	16	104	120	0 7 0	0 7 2	1 14 8	
21	Lubaree .....	184	207	250	575	575	1365	64	374	544	20	56	307	363	0 6 8 1/4	0 9 11	1 9 4	
22	Thapoor .....	1325	0	528	561	673	574	9	104	196	0	38	805	1161	0 15 1	1 9 10 1/4	1 14 6	
23	Sahbarah .....	120	285	388	440	440	678	0	201	57	0	40	276	316	1 0 10	1 9 10 1/4	1 14 6	
24	Sorah .....	345	388	388	440	440	678	0	136	0	11	60	196	256	1 0 9	1 5 3	1 13 3	
25	Ullempoor .....	232	275	275	450	450	296	5	24	0	11	60	196	256	1 8 4	1 10 11	1 12 2	
Total .....		17,364	18,271	19,245	24,482	25,913	21,669	482	3,094	6,194	83	4,007	7,809	11,816	1 3 1 1/4	1 6 1 1/4	2 3 1	

Nothing can well be more just than such a settlement as this. This average which each estate bears is as equal as it can well be. Amongst these twenty-five villages we find ten assessed exactly at the pergunnah revenue rate; six retaining their former jumma, as they were already adequately assessed; five varying not more than Rs. 100 from the revenue rate; and only three which present a greater difference, and those certainly not without due reasons assigned. The actual increase on the former jumma is Rs. 1,431; and, had the pergunnah revenue rate been kept to in every instance, it would have been 1,197. Both results amply bearing out the opinion previously expressed that the pergunnah was capable of bearing an increase of from 12 to 1,500 rupees. Thus do the two grand revenue systems come into actual and practical operation. The procedures from the aggregate to the detail and from the detail to the aggregate prove mutual correctives. No system hitherto attempted will produce such results; moderation, instead of being fortuitous, as formerly, is systematical; and, we believe, that under the present management it has now reached that point of perfection to which human ingenuity can raise it.

But it is not in the matter of fixing the assessment that care and circumspection are enjoined on the settlement officer. The records of rights, immunities and obligations which are to be drawn out under his superintendence must engage his most earnest attention. It is in this that the labours of the officers employed have been eminently conspicuous. To prove which, we will subjoin translations of some of the documents which are prepared for this purpose, premising that no two apply to the same village. This plan will have the merit of shewing how much some of the tenures in the western provinces differ.

#### TRANSLATION OF A SETTLEMENT PROCEEDING.

Pursuant to the circular orders of the Sudder Board of Revenue, No. 40, of 27th September 1833, the following proceedings have been held by the settlement officer of zillah ———, in the case of mouzah Raepoor, pergunnah Noornugur.

##### BOUNDARY AND MEASUREMENT OF THE ESTATE.

After the adjustment of the boundary dispute between this estate and the adjoining village of Khurwah, by arbitrators chosen by both parties, and the erection of land-marks, the measurement was made in F. S. 1240 with a chain, and the result, in puckah begas of 3,025 square yards is indicated below.

Cultivated.		Chunchar.		Bunjur fit for cultivation.		Barren, &c.		Lakhiraj.		Jageer for service performed		Total.	
Be.	Bis.	Be.	Bis.	Be.	Bis.	Be.	Bis.	Be.	Bis.	Be.	Bis.	Be.	Bis.
2,654	10 0	424	10 0	112	0 0	512	15 0	626	0 0	12	15 0	4,342	10 0

In 1243 F. S. the measurement of the European survey took place, and, if the deductions on account of lakhiraj be taken into consideration, the returns will appear to be not very dissimilar.

Cultivated.		Chunchar.		Bunjur.		Barren.		Total.	
3,229	0 0	480	0 0	371	0 0	498	0 0	4578	0 0

#### ASSESSMENT AND REVENUE ENGAGEMENTS.

2d.—The last jumma of this estate as entered in form No. 2, is 6,401 rupees. The estimate of the tahseeldar and kanoongoe are both the same as the last jumma. The average collections for ten years, entered in the putwaree papers, amount to 7,340 rupees. The jaut proprietors cultivate superior articles of produce, such as sugar-cane, cotton and wheat. Certain culturable lands have lain fallow for two or three years; partly in consequence of altercations between the malicks, and partly with a view to reduce the jumma. On personal inspection of the condition and general appearance of the estate, the jumma was fixed on the return of the European survey at 6,431 rupees per annum, according to the rates specified in the English correspondence.

On the 11th February 1837, the settlement of this estate, in common with the rest of this pergunnah, was commenced. Sawāē, Ramdhun, and others, attended but refused to accede to the

proposed jumma ; and, on the 16th of the same month, again declined engaging, although the increase on the old jumma was only 30 ; and had not one puttee suffered from the death of the principal proprietor, the jumma could not have been less than 7,000. On their refusal Sewuk Ram, mahajun, gave a durkhaust at 6,800 rupees. A few days afterwards Ramjuss and other proprietors came forward and said that Sawâë, &c. their former lumberdars, had not consulted with them respecting the jumma, that they were willing to take the village on any terms the collector chose to demand, that their lumberdars' intention was to force a reduction of the jumma as they did in F. S. 1238 with the connivance of the tahseeldar, and that they were authorized by Sawâë, &c. to say, that as the lumberdars were now aware, they had another man to deal with, who formed his settlements on consideration of existing assets and personal inquiry, and had never yet been known to give into unreasonable remonstrances, they repented of their folly, and prayed that the collector would be graciously pleased to accept their engagements. Since it is the earnest desire of the settlement officer to consign the malgoozarees into the hands of the proprietors, and a farmer has in no instance as yet gained admission into any mouzah, the petition of the maliks is granted, and they are admitted to engage at the jumma originally fixed.

#### RIGHTS OF THE PROPRIETORS.

3d.—From the settlement of 1213 F. S. the names of Hurkuru, Suddasookh, Neelaput, and Junsoo, stand recorded in the zemindary and malgoozaree columns of registry. In 1216 F. S. the name of Mohur Sing, and at the settlement of 1228 F. S. the name of Poorun, were also added at the request of the others. Till 1232 F. S. the jumma of the estate was paid in common but in 1233 F. S. the mouzah was divided into four puttees. The names of Sudda Ram, Layeq Ram, Mâdëys, Prain Sook, Ramkurn, Untram Rambukhsb, Sirree Ram, Ramsookh and Hurr Ram, were registered in the Government books as sharers, and the jumma of the puttees became distinct. Until 1232 F. S. the jumma remained at 5,500 rupees and at the settlement of 1,233 F. S. was fixed at 1,300 rupees. In 1238 F. S. the zemindars gave in their resignation, and an abatement of 1,599 rupees was allowed on the former jumma, and the revenue therefore was fixed at 6,704 rupees. In F. S. 1240 one puttee was settled at a russudee or progressive jumma, at a decrease in F. S. 1240 of 350 rupees, and in F. S. 1241 of 300 rupees, under the provisions of Regulation VII. 1822. By which measure the jumma of F. S. 1241 became 6,401 rupees. There is no question that great irregularity was evinced in settling this puttee apart from all the rest, nevertheless, for the reasons stated above, some reduction was considered necessary, and it is worthy of remark that this very puttee still continues a striking contrast to the general prosperity of the rest of the mouzah, and is the only impediment to the demand of a larger increase in the Government demand.

#### MODE OF CONTRIBUTION AND ADMINISTRATION.

4th.—With the view of arranging for the future improvement of the deteriorated puttee, the schedule of contributions, the appointment of managers, and the division of the jumma were carried into effect in the presence of the collector, and with the entire concurrence of the whole fraternity. According to the bhya-charee system each individual's share of jumma has been separately noted in the record which has been signed by all the proprietors. In the puttee of Mohu-Singh, and Sâlick in which cultivation had been almost entirely abandoned, the maliks unanimously agreed to reduce the jumma to the extent of 150 rupees from its former amount ; and to distribute this sum rateably on the other puttees, the entire puttee was temporarily transferred to the care of Sudda Ram, Hursâhâë, and Doolla, and engagements were signed by the maliks to contribute the jumma in the proportions entered in No. 3, and to adopt the following modes of administration in each puttee.

Name of the Sudder malgozar.	Name of the puttee	Mode of contributing towards the Government jumma.	Mode of collecting the rents from the cultivators.	Mode of payment of malteb.	Division of profit and loss.	For recovery of Government balances.
Raujeet, Hurmah, and Ramsooth .....	Chowdhura .....	By Bach .....	{ Cultivation, not maliks pay 15 As. } { per pukka beegah, ..... }	By Bach .....	By Bach .....	{ The lands of the } { defaulter. }
Doolla .....	Thoke Munga ....	{ According to their separate Biswa shares.. }	{ Ditto 14 Annas..... }	On the Biswa share.	On the Biswa share.	{ The share of the } { defaulter. }
Sudda Ram .....	Munjureh .....	Ditto .....	Ditto .....	Ditto .....	Ditto .....	Ditto.
Shirree Ram .....	Thoke Luangrah ....	One malik .....	{ Division of the } { crop, one-half } { Sugar-Cane... 3 0 0 } { Cotton..... 1 6 0 } { Churree..... 0 9 0 } { Tobacco..... 2 0 0 }	{ The malik pays } { the Malteb and no } { collection on that } { account from the } { ryots..... }	The malgozar ....	The entire puttee.
Lajet Ram, Sudda Ram ..	Mulayen ..	Integral puttee .....	{ From the Se- } { sowlee Jug- } { gowma culti- } { vators 15 As. } { per K. B. and } { from other } { cultivators 8 } { Annas..... }	Ditto ditto .....	2 equal moieties....	Ditto.
Bhowany Sahae, farmer ..	Puttee Jhoonyana ..	Ditto ditto .....	{ Half of grain- } { produce ..... }	{ The malgozar pays } { The farmer..... }	The farmer .....	{ The farmer's pro- } { perty, real or per- } { sonal. }
Ranjus Jowhures .....	Puttee Bagghin ...	{ The proprietors } { pay a fixed amount }	Ditto .....	Ditto .....	The malgozar .....	{ The defaulter's } { tenure. }
Hurmah, Dilla, and Sud- } daram .....	Puttee Salikmebra ..	Integral puttee .....	Ditto .....	{ Sugar-Cane... 3 0 0 } { Churree..... 0 10 0 } { Cotton..... 1 8 0 }	The farmer's pay ....	The entire puttee.

In the event of the decease of the endur lumberdars, the proprietors will themselves select successors. And if a cultivator dies before harvest, his heirs, and not the proprietor, shall be entitled to the emblements.

In case of a change in the rates, notice thereof must be given six months previously in the tahseel office. The putwaree's dues are leviable from all the malika at the rate of  $\frac{1}{2}$  anna per rupee on the amount of the Government jumma. The pay of the chokeydars is three rupees per mensem to each, payable from the house tax of one anna per mensem from each malik or other resident. Any excess arising from these chowkeedaree collections, is to be thrown into the general fund, to be kept by the putwaree for the purpose of defraying the expenses of the choapal, the entertainment of strangers and travellers, and chaity to faqueers.

On these conditions the estate has been settled for thirty years, from 1244 to F. S. 1273, and should it hereafter appear that any proprietor or cultivator is not included in the record, Momin Ali, the kanoongoe, and Eesree Bukhsh, mohurir, who were deputed to the village to obtain the signatures of all parties to the contract, will be held responsible.

We subjoin a few more documents to prove what precise information is now obtained respecting the rights and interests of the whole rural population, on which the Court of Directors have frequently confessed themselves ignorant, and about which they have charged their servants with knowing little more than they did themselves. In their revenue letter to Bengal, dated 17th March, 1815, they remarked, that with every disposition to do justice to the merits of Mr. Colebrooke's minute, to which they had been referred, they could obtain from it no distinct and satisfactory explanation respecting the tenures of the landholders. They object to it, that it has not stated the method in use for overcoming the difficulties which must necessarily occur, both in the management and transfer of a property held in common, whether each share is held responsible only for its own assessment, or whether the whole land of a village is answerable for the whole Government jumma of that village; on the latter supposition, whether in the event of one sharer falling in arrears to Government, and the other sharers failing to making good that arrear, the whole land of the village is exposed to sale; who, in such cases, are generally the purchasers, and what becomes of the former putteedars, and if the arrears of a defaulting share are paid up by the other sharers, whether the latter possess any means of indemnifying themselves. They also inquire what are the rights of the cultivating ryots, when the zemindars are not themselves the cultivators, what proportion of the gross produce of the soil they pay to the zemindars whether this is paid by custom, by agreement, or by the discretion of the zemindars, and paid in kind or commuted into money, whether the proportion is the same in all situations or varies in different pergunnahs, and in different species of soil in the same pergunnah, whether a zemindar can legally dispossess a resident ryot who has regularly paid the customary rent for his land to make way for one who may engage to pay more, what rules have been digested to enforce the grant of pottahs, and thereby to avert the manifold evils which have resulted from the total inefficiency of the regulations for that purpose in the lower provinces. With exception to the latter clause, as pottahs are worse than useless in this presidency, we believe, there is not one of these points left unadjusted in the present settlement proceedings. Let us see whether the court's queries cannot be answered by a mere iqarnama.

#### FORM OF ENGAGEMENT.

We, the undersigned, Ramsookh, Bhosoo, Jehangeer, Chaitram, Ramdial, Sheo Ram, Gopaul, Goolzara, Hurjeet, Bhickroo, Dhowakul, Kowreea, Maha, Ram, Ramsookh, son of Subba; Kanhā, Gour Sāhā, Ramkulla, Salowta, Sepahce, Atteea, Sabir, and Ash, being proprietors of mouzah Khase Kherah, pergunnah Khyrabad, do agree as follows:

Whereas the settlement of this village was made with us by the settlement collector at an even annual jumma of Rs. 1,571 for 30 years from 1244 to 1273 F. S.

1st.—We the proprietors have unanimously appointed Ramsookh, Bhickroo, Gour Sāhā, and Salowta, as managers of the affairs of the estate, through whom the Government jumma will be punctually paid as fixed by instalment.

2d.—The mode of contribution among the proprietors is according to ancient custom, viz. by assuming the khalea land to consist of 120 beegas (imaginary not real) which being divided

among the several sharers, the allotment of the jumma falls upon each at 13 rupees 1 anna and 6 pie per beega. The general superintendence of the ryote cultivation rests with the Suddur malgozars, but the profit and loss upon the collections therefrom, is to be distributed amongst the sharers according to the extent of each party's possession. In case of balance, so much of the right of the defaulting proprietor will be sold by public auction as will satisfy the arrear; or if the law will not admit of this arrangement the puttee shall be transferred to the oldest proprietor whoever he may be, who is not bound to restore it till his expenses and interest at 12 per cent. have been fully reimbursed.

3d.—The rates of the hereditary cultivators are fixed and registered. Should a tenant at will cultivate the lands of any sharer, all rates whether for grain or money will be fixed at the commencement of the year with reference to the quality of the soil, and settled by written agreement. No unauthorized exactions whatever shall be made. In case of any contemplated change in the rates, previous notice thereof will be given to the tahseel office.

4th.—The mulbah of the village is defrayed at the putwaree's office. At the close of the year the collections are made on that account by a per centage on the portions of the jumma payable by each sharer. Should any ryot become insolvent or desert, his liabilities to Government fall on the whole body of proprietors who have unanimously consented to this arrangement.

5th.—This village is divided into 4 thokes or portions, and their lands are entirely separate. All the trees are the property of the sharers on whose land they grow, and it is not usual to sell them.

6th.—The putwaree's dues are  $\frac{1}{4}$  of a seer in every maund. The chokeedar receives annually 10 kutchas seers of grain from each cultivator. We will not interfere with the lakhiraj lands. We will obey all orders of the police, and we hold ourselves responsible for the repair of the roads as well as for the payment of fines, independent of the Government jumma.

7th.—We will adhere to the ancient usage of allowing the lumberdar's son to succeed to his father's office. The amount of our several contributions is stated at the foot of the engagement, to which we all of us in the presence of witnesses voluntarily subscribe our names.

It is to be noted that we have recorded below our old village private measurement; but the putwaree has registered the corresponding fields according to the khusrab, and his papers can be appealed to at any time should any necessity for identification ever arise.

Suder Malgozars.	Thokes.	Ruqbeh.		Jumma.	Name of Maliks.	Extent of land held by the contributing parties as per putwaree's papers.	Jumma.
		Beghas.	Biwars.				
Ram Sookh	Ram Sookh..	26	10	346 14 6	Phoosoo.....	B. B. B. 3 0 0	39 4 3
					Jahungeer.....	3 0 0	39 4 3
					Chaitram.....	3 0 0	39 4 0
					Ram Sookh.....	2 0 0	26 3 0
					Ramdial.....	2 15 0	36 0 0
					Sheoram.....	4 0 0	52 6 0
					Gopal.....	2 0 0	26 3 0
					The late Nuthan's share jointly cultivated.	2 15 0	36 0 0
					Goolzara.....	2 0 0	26 3 0
					Hurchit.....	2 0 0	26 3 0
						26 10 0	346 14 6
Pohkur...	Dhownkul....	27	10	360 0 6	Dhownkul.....	3 5 0	42 8 7
					Pohkur.....	7 0 0	91 10 6
					Kowreea.....	3 0 0	39 4 6
					Maha Ram and Ramsookh.....	3 15 0	49 1 5
					The joint cultivation of ryots not maliks.....	10 10 0	137 7 6
						27 10 0	360 0 6

Suder Malgoozars.	Thokes.	Ruqbeh		Jumma.	Name of Maliks.	Extent of land held by the contributing parties as per putwara's papers.	Jumma.
		Begabs	Biswas				
Gour Sahâe	Zahirya and Ramdhun deceased...	27	10	360 0 6	Ramdeen and Zahirya dying heirless, Gour Sahâe and others are in possession.....	B. B. B. 7 17 0	102 12 3
					Koonwur .....	7 16 0	102 2 0
					Kanha .....	7 17 0	102 12 3
					Joint cultivation of ryots..	4 0 0	52 6 0
						27 10 0	360 0 6
Salowta...	Salowta.....	26	10	346 14 6	Ramkulla, Hissehda.....	8 5 0	108 0 0
					Salowta .....	8 5 0	108 0 0
					Sepahae and Unta	6 5 0	65 7 3
					Sookmee deceased	5 5 0	65 7 3
						26 10 0	346 14 6
Ram Sookh Pohkur & Goorsahae	.....	12	0	157 2 0	Sayer and Asa ..	6 0 0	78 6 0
Salowta...	.....	0	0	0 0 0	Conjointly in the 20 Biswas	6 0 0	78 9 0
						12 0 0	157 2 0
Grand Total	.....	120	0	1571 0 0	....	120 0 0	1571 0 0

(Signed) RAM SOOKH, *Lumburda*. (Signed) POHKUR, *Lumburda*.  
 " GNUR SAHAE, *ditto*. " SALOWTA, *ditto*.  
 " JYSINGH RAE, *Putwaree*. " MYA RAM, *Mohurrir*.  
 " BINDRABUN DOSS, *Kanoongos*. " MAHOMMED KHAN, *Tahseeldar*.

#### ANOTHER FORM OF ENGAGEMENT.

##### MOUZAH ALLAHADADPOOR.

We the undersigned—Ajba, son of Koondun; Khowanee and Gomanee, sons of Zowkee Chhungo, son of Ihunda; Mohur Sing, son of Nuthwa; Nuthwa, son of Danee; Rutya, son of Hurahâe; Jubba, son of Kaisuree; Munna, son of Aikram; Nowrung and Sahub Sing, sons of Mowjee; Suhudeo, and Dya Kurn and Kunhya, his sons; malgoozars of mouzah Allahdadpoor. *alias* Mutnowrah; purgunnah Gorehur; do execute this indenture under the following stipulations. Whereas the settlement of the village at the jumma of 775 rupees per annum was concluded by the late collector with us, and has been now renewed by the settlement officer at the same jumma from 1244 to 1273 F. S.: a period of 30 years. We have all and each of us unanimously agreed.

1st. To be severally responsible for the Government revenue, which was, hitherto, paid by Ajba on our joint responsibility. We have divided the jumma as follows:

Extent of each share.	Names of the Parties in each lot.	Amount of jumma.	Names of Shikumes, sharers, &c. in each lot.
		Rupees.	
3½ Biswas.....	Ajba.....	136	Ajba, Sâowunt, Aloka, Deedara, Dhara and Lodha, hissehdars, in equal shares.
2½ Ditto.....	{ Khowanee and Gomanee, } { equal moieties..... }	87	None.
2½ Ditto.....	Chhungoo.....	87	Ditto.
1 Ditto.....	Mohur Sing & Nuthwa, ditto	20	Ditto.
1 Ditto.....	{ Rutna—2 shares, and } { Cuina—1 share..... }	39	Ditto.
1½ Ditto.....	Moonna.....	57	{ Moonna, Jahungeers, } { Bukhtoo and Sawarka. }
1 Ditto.....	Nowrung.....	39	None.
4 Ditto.....	Mowjee and Sahub Sing.....	155	Ditto.
4 Ditto.....	Sahus and Ghunna.....	155	Ditto.
20 Biswas.....			



2dly. We will collect from the cultivators at the following rates :

Money rates, per Bega..... Cotton ..... 2 4 0  
Chaurree.....1 8 0

Grain rates.—A moiety of the produce from unirrigated lands and 2-5ths from irrigated lands.

On account village expenses, 2 seers in each maund from both shares of the crop, and one anna per rupee on the zabtee. Those who pay at fixed rates or cultivate their own lands are to pay by Bāch according to the putwaree's papers.

3dly. The balances accruing on any particular lot, will be made good from the assets of the defaulting lot-holder.

4thly. Nothing in excess of recorded rates will be exacted under any pretence whatever. In case of any change being about to take place in the rates, previous notice thereof to be given at the tabteel office.

5thly. ordinarily expenses, such as tulbañh for collecting, &c. are payable by us, and will not be included in the mulbeh. The expense of journaies to and from the suudur, judicial processes repair of roads, fines, &c. which are all public disbursements, will, of course, be included in the mulbeh. The dues of the putwarees, chokeydars, &c. will be paid by us as follows:

Putwaree.	Chokeydar.	Weighman.
In every maund of grain of the Government share $\frac{1}{4}$ of a seer, and 3 pie or $\frac{1}{4}$ anna in every rupee of the money rates.	From all cultivators on each plough. Half yearly 10 seers.	On each p. md. $\frac{1}{4}$ seer.

The cultivators from whom mulbeh is collected, as specified in sec. 2 of this agreement, have nothing to do with the payments herein noted, but they are to pay the dues of Belahur, in grain, according to usage.

6thly.—The trees standing on lakhiraj lands are the property of the lakhirajdars. There are two gardens on this estate, one in Nowrung's lot, and the other in that of Mowjee, the produce of them exclusively belongs to those persons. The keekur trees belong to the persons in whose fields, they are growing, and are not to be considered common property.

7thly.—There are 47 k. beegas of charity and mafee lands in the village not included in the khalisa.

Byrāgy.	Purrohit.	Pundit.	Kāhār.	Total.
5 0 0	12 0 0	22 0 0	8 0 0	47 0 0

And 200 kutchā beegas of khalisa not included in any of the khokes, are assigned to Mowjee for his dues of chiefship, with which we have no concern. There is no common lien on any portion of the village, save a little dhoor and a tank; and, although at present nothing is produced in them, yet they are to be considered common to all, in case of any treasure being dug up, or any land being required for matters of public convenience.

8thly.—We are responsible for the due execution of all orders of the courts, the repairs of roads, fines, &c.

9thly.—Should any of the proprietors become insolvent, or desert, or leave no heir, his immediate malgoozar will be held responsible for the revenue.

In witness of these presents, dated the 8th July 1836, we severally subscribe our signatures.

## RECORD OF CONTRIBUTIONS.

### MOUZH AURUNGABAD.

Names of proprietors.	Numbers of fields in the khusrāh.	Quantity of land.	Rate of contribution.	Amount of total demand.
<i>Thoke Goolab Khan.</i>		<i>Bh. Bis.</i>	<i>Per P. bh.</i>	
Ooday Khan .....	14, 16, 18, 19, 20.....	4 13 0	1 4 3	5 13 6
Kulloo Khan .....	28, 29, 30, 36, 37.....	5 14 0	1 4 3	6 8 6
Dhoomes .....	6, 6, 8, 9.....	4 19 0	1 4 3	6 4 6
Carried over		13 46 0	3 12 9	17 25 18

# **RECORD OF CONTRIBUTIONS. (Continued.)**

Name of proprietors.	Numbers of fields in the khusrah.	Quantity of land.	Rate of contribution.	Amount of total demand.
<i>Thoke Goolab Khan.</i>	<b>Brought forward</b>	<b>Bh. bis.</b>	<b>Per P. bh.</b>	
Goomanee .....	1 .....	13 46 0	3 12 9	17 25 18
Pirwa and Urjoon .....	12, 13, 15, 17, 21 .....	1 4 0	1 4 3	1 7 6
Muthoo .....	7, 10, 11, 22, 23, 24 .....	5 19 0	"	7 7 9
Mujlis and Madara .....	38, 39, 40, 42, 44, 45 .....	5 7 0	"	6 11 9
Motea .....	2, 3, 4 .....	7 12 0	"	9 9 6
Durba .....	31, 32, 34 .....	2 16 0	"	3 7 0
Sehba .....	31, 32, 34 .....	2 15 0	"	3 5 9
Soomaira, son of Danish.	35, 25 .....	2 15 0	"	3 5 9
Goola .....	41, 43, 124 .....	2 15 0	"	3 5 9
Amambukhsh, son of Eeda	98, 99, 100 .....	2 8 0	"	2 10 9
Goolab Khan .....	46, 47, 50, 51, 52 .....	4 12 0	"	5 12 6
Ghurreeba .....	80 to 97, 60, 63 .....	23 4 0	"	29 2 6
Saidoo Hounsa, .....	48, 49 .....	1 4 0	"	1 9 6
Sabuf Khan .....	61, 62 .....	1 12 0	"	2 0 3
Purwurrush Khan .....	58, 59, 64, 65 .....	4 14 0	"	5 14 3
Jirya and Purwurish, } sons of Sepehdar .. }	66 to 79, and 101 to 123 ....	51 18 0	"	65 5 9
	53, 64, 65, 56, 57 .....	4 17 10	"	6 2 3
<b>Total....</b>		<b>140 3 10</b>	<b>1 4 3</b>	<b>177 9 9</b>
<i>Thoke Maiwa.</i>				
Maiwa .....	163 .....	1 11 0	1 4 3	1 15 6
Saidoo and China .....	170 to 182, 185 .....	17 19 0	"	22 9 6
Maun Khan .....	164, 165, 166, 167 .....	6 10 0	"	8 1 3
Churwa .....	168, 169, 184, 186, 187, 188, 189, 190	9 1 0	"	11 4 9
Chhaida .....	183 .....	1 11 0	"	1 15 9
<b>Total ....</b>		<b>36 12 0</b>	<b>1 4 3</b>	<b>45 14 9</b>
<i>Thoke Bâhâl.</i>				
Bâhâl .....	130 to 136, 140, 141, 142, 143	9 9 0	1 4 3	11 14 6
Amambukhsh .....	150 .....	2 17 0	"	3 9 6
Gowbur .....	155, 156, 157, 158, 159 .....	4 6 0	"	5 6 3
Ullehya .....	129, 160, 161 .....	3 12 0	"	4 8 3
Wuseera .....	151, 152, 153, 154, 162 .....	7 19 0	"	9 15 6
Qudroo .....	144 to 149, 126, 127, 128 .....	9 8 0	"	11 13 0
Mujlis .....	137, 138, 139 .....	2 13 0	"	3 5 6
Shâmilât .....	125 .....	0 7 0	"	0 7 0
<b>Grand Total ....</b>		<b>217 6 10</b>	<b>1 4 3</b>	<b>247 8 0</b>

## **THOKE BUKHT SINGH.**

Name of proprietors.	Numbers of fields in the khusrah.	Quantity of land.	Rate of contribution.	Amount of total demand.
<i>Shadeeram and Gungaram .....</i>	The holdings are so numerous that the smallness of the column will not admit of the composition numbers being included.— See Khutsownee.	<i>B. B. B.</i> 12 0 0	<i>Rs. As. Ps.</i> 1 8 0	<i>Rs. As. Ps.</i> 12 0 0
<i>Ramdhan and Atma Ram .....</i>		{ Chahes 18 2 0	0 14 0	15 13 6
		30 2 0		33 12 6
<i>Basdeo .....</i>		{ 7 3 0	1 8 0	10 11 6
		{ Chahes 17 0 0	0 14 0	14 14 0
		{ Baranes 24 3 0		25 9 6
<i>Sakhra and Poorun .....</i>		{ 6 4 0	1 8 0	9 5 0
		{ Chahes 14 5 0	0 14 0	12 7 0
		{ Baranes 20 9 0		21 12 0

**THOKE BUKHT SINGH. (Continued.)**

Name of proprietors.	Numbers of fields in the khurah.	Quantity of land.	Rate of contribution.	Amount of total demand.
		B. B. B.	Rs. As. Ps.	Rs. As. Ps.
Bhoop Sing and Toolshee Ram...	The holdings are so numerous that the smallness of the column will not admit of the component numbers being included.—See Khuteownee.	{ 17 5 0	1 8 0	25 14 6
		{ Chahee		
		{ 43 4 0	0 14 0	37 13 0
		{ Baranee		
		60 9 0		63 11 6
Eshuree .....		{ Chahee		
		{ 7 8 0	1 8 0	11 1 6
		7 8 0		11 1 6
Saidhoo .....		{ 3 5 0	1 3 0	4 13 6
		{ Chahee		
		{ 10 5 0	0 14 0	8 15 6
		{ Baranee		
		13 10 0		13 13 0
Junno, Ram Sahāē, Gunga Be- shun, and Kissen Sahāē..... }		{ 10 0 0	1 8 0	15 0 0
		{ Chahee		
		{ 10 0 0	0 14 0	8 12 0
		{ Baranee		
		20 0 0		23 12 0
Maharaj Sing .....		{ 4 0 0	1 8 0	6 0 0
		{ Chahee		
		{ 2 18 0	0 14 0	2 8 6
		{ Baranee		
		6 18 0		8 8 6
Korao Ram Sahāē.....		{ 9 0 0	1 8 0	13 8 0
		{ Chahee		
		{ 8 0 0	0 14 0	7 0 0
		{ Baranee		
		17 0 0		20 8 0
Boodha .....		{ 4 4 0	1 8 0	6 5 0
		{ Chahee		
		{ 3 16 0	0 14 0	3 5 0
		{ Baranee		
		8 0 0		9 10 0
Purraim, Gopal .....		{ 9 0 0	1 8 0	13 8 0
		{ Chahee		
		{ 25 12 0	0 14 0	22 6 6
		{ Baranee		
		34 12 0		35 14 6
Sewa Ram and Nurput.....		{ 5 0 0	1 8 0	7 8 0
		{ Chahee		
		{ 6 0 0	0 14 0	5 4 0
		{ Baranee		
		11 0 0		12 12 0
Hokeshun, Daibee, Nanoo.....		{ 12 1 0	1 8 0	18 1 0
		{ Chahee		
		{ 46 10 0	0 14 0	40 11 0
		{ Baranee		
		68 11 0		68 12 0
		156 3 0		169 13 0
Kowra, whose right is mortgaged to Bukhtowar Sing..... }		{ 35 5 0	1 8 0	52 14 0
		{ Chahee		
		{ 68 10 0	0 14 0	60 0 0
		{ Baranee		
		103 15 0		112 14 0
		415 17 0		452 8 0

## ANOTHER ENGAGEMENT.

By the undersigned, Bustee and Mohooroo, sons of Sadho, deceased; Phoolwa, son of Attoo; Saddasookh, Shaira, Goolzar, Ramsookh, Sawât, and Goordyal, zemindars of mouzah Bankra, pergunnah Atrowlee.

Whereas the settlement of this village was concluded by the former collector in 1239, F. S. at an even annual jumma of 300 rupees with us, and the settlement has been renewed at the same jumma with us from 1243 to 1272, F. S., being a term of thirty years, we have unanimously agreed to it under the following conditions:

1st.—We have appointed Bustee, the son of Sadho, deceased, manager of the estate, through whom the revenue will be punctually paid, according to the regulated kists, into the Government treasury at Atrowlee.

2d.—The malgoozar will, in the first instance, take half of every grain crop grown by the proprietors. Their money rates for kutchah beegas are as follows:

Cotton	Churree	Muckes	Sugar-Cane
1 4 0	0 8 0	0 8 0	2 8 0

And after liquidating the Government revenue, the profits arising from the out-turn will be equally divided, and each man will receive his share. In case of deficit it will be made up in the same manner by Bach, in proportion to the amount originally collected from each. Should there be a Government balance, the entire village will be sold by public auction for recovery of the arrear.

3d.—With respect to the tenants at will, only one-fourth of the crop will be demanded from them, and their subtee rates per kutchah beega will be for cotton 12 annas, churree 4 annas, muckes 8 annas.

Should a change in the rates be at any time contemplated, previous notice thereof will be given at the tulsee office.

4th.—A seer in every maund of grain is fixed for the village expenses, and the deficiency, if any, is made up by the maliks in the manner mentioned in the second article of this engagement. If the cultivation falls off, we will not urge it as a plea to obtain a remission of the Government revenue.

5th.—The proprietors have among themselves divided off their several portions of land, and no change or alteration can now be made. The trees of every description standing in each man's field, belong exclusively to him, and those that are in the lands held jointly by the fraternity, are the property of all the proprietors. According to ancient usage, a transfer of the right possessed by a Biswahdar cannot be made either by sale or mortgage.

6th.—The putwarree's dues are on every maund of grain a quarter of a seer, and on the amount of the subtee a quarter anna in the rupee. The chokeydar has 10 pukka seers of grain from each house, and two beegas of land. We will pay all fines and forfeitures; obey all orders from the courts and police, and we will not interfere with the rent-free lands.

As it has hitherto been usual for the lumburdar's son to succeed him in office, we will observe this ancient usage for the future. Should we, at any time, infringe those conditions, we shall abide by such punishment as may be awarded by the authorities to which we are amenable. We, therefore, in due execution of this malgoozaree engagement affix our respective signatures, this 7th day of August, 1836.

### RECORD OF CONTRIBUTION FOR MOUZHAB BARAH.

Nature of Tenure.	Name.	Land.	Rate.	Village expenses.	Total.
This shows possession of 1244 F. S. The quantity of lands is not fixed, but the proprietors pay each rates on whatever they choose to cultivate.		<i>Beegas Biswas</i>			
	Bhowanee	31 4	Bach.	Bach.	Not fixed.
	Bahhta....	33 6	—	—	
	Toolsee ..	49 2	—	—	
	Purtab....	42 18	—	—	
	Sahee Ram	24 7	—	—	
	Moolee ..	22 5	—	—	
	Mujlis ....	20 7	—	—	
	Hurnarain	37 0	—	—	
	Bood Sing	8 14	—	—	
	Ruttana ..	10 10	—	—	
	Nuchul ..	15 12	—	—	

# RECORD OF CONTRIBUTION, &c. (Continued.)

Nature of Tenure.	Name.	Land.	Rate.	Village expenses.	Total.
		B. B. B.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.
Hereditary cultivators .... }  Rate and quantity of land fixed.	Ram Kurun	11 7 10	1 4 0	none	14 3 6
	Boodha ..	5 5 0	—	—	6 9 0
	Nidhan ..	1 15 0	—	—	7 3 0
	Simna ....	4 5 0	—	—	5 5 0
	Hunsram ..	8 14 0	—	—	10 14 0
	Mihtab ..	1 19 0	—	—	2 7 0
	Moujee ..	10 17 0	1 8 0	—	16 4 0
	Bukhta ..	13 10 0	—	—	20 4 0
	Myda ....	22 5 0	—	—	33 6 0
	Kullian Sing	21 5 0	1 5 0	—	27 14 3
	Chota ....	24 0 0	—	—	31 8 0
	Kishna ....	17 0 0	0 14 0	—	14 14 0
	Dilsook ..	14 5 0	—	—	12 7 0
	Seeroo ....	10 5 0	—	—	8 15 6
	Ram Sing	17 15 0	0 12 0	½ as. per rs.	13 8 6
Tenants at will  This is the quantity of land held in 1244 F. S. is liable to fluctuation, as the proprietors may at any time include any portion in their own cultivation and pay back rates.	Kulle .....	9 5 0	½ of the crop	½ seer pr. md	Not fixed—there being no money rates.
	Dooby ..	2 3 0	—	—	
	Hurnam ..	17 4 0	—	—	
	Sudasookh	11 5 6	½ of the crop	—	
	Mohar Sing	4 4 0	—	—	
	Chaina ..	14 5 0	—	—	
	Uhmul ..	10 3 0	—	—	
	Bhujjon ..	7 8 7	—	—	
	Phool Sing	6 0 0	—	—	
	Ujba ....	5 10 0	—	—	
	Maharaj ..	18 3 0	—	—	
	Jykishen ..	19 0 0	—	—	
	Bukhtoo ..	12 2 4	—	—	
	Myaram ..	13 3 0	—	—	
	Ramruttun	4 4 0	—	—	
	Pransook..	6 9 2	—	—	
	Sewuk ....	3 5 0	—	—	
	Seta .....	1 15 0	½ of the crop	—	
	Bhowna ..	11 10 10	—	—	
	Eesree ....	2 12 0	½ of the crop	—	
	Lal Sing ..	16 4 15	—	—	
	Doola ....	8 5 5	—	—	
	Biddee ....	15 2 0	—	—	
	Goolab....	9 3 0	½ of the crop	none	
	Hursook ..	5 5 10	—	none	
		713 0 9			

Such is the nature of some of the papers, which it is the business of the settling officer to prepare. Every possible contingency is provided for, and there is no occasion whatever to introduce any amendment, in order to make the record more neat or conformable to a particular system. We have seen a district mohurrir distort and misrepresent the affairs of a whole pergunnah, in order to make his records conform to particular examples. Any attempt to define and compress the limits of the different tenures, is not only injudicious but impracticable. Their variety in these provinces is extraordinary, and as the late William Fraser used to observe, "there is scarcely a tenure in the world, however strange or complex, which will not find its counterpart in this presidency; so that every single village should, if necessary, have a new form of its own to exhibit its real peculiarities.

The English settlement forms also, are sometimes made to exhibit fictitious returns, in order to prove that the collector has successfully tried a system, which, perhaps, he has either never attempted, or failed to succeed in introducing. A man may be perfectly convinced he has been acting right while using some peculiar method of his own, which he prefers to the one enjoined for his observance by superior authority, but he will not like to shew by his proceedings that he has gone counter to some express order, which would have inconveniently fettered him in his progress. He will, therefore, endeavour to show that his papers at least correspond with the prescribed pattern, and that the results exhibit the wonderful success of the system which he has carried into effect.

Collectors, for instance, are ordered to show the average rent rates which are supposed to prevail in a pergunnah for each kind of soil, and from these they are to deduce their revenue rates. Let us take a table which professed to shew this in more than usual detail, submitted by an officer of no mean reputation.

On total area.		On total malgoozaree.		On cultivation.	
Acres.	Per acre.	Acres.	Per acre.	Acres.	Per acre.
72,604	115	67,554	132	42,300	1,135

	Class of Soil.	Acres in cultivation.	Prevailing rate of rent per acre.	Estimated rent of the land in cultivation.	Deducted revenue rates per acre.	Value assumed at deducted revenue rates on land in cultivation.
Khadur or low land	Rouslee irrigated ..	8	4 3 7½	33 13 0	3 4 0	26 0 0
	Ditto not ditto ....	8,813	2 9 7½	22,913 13 0	2 0 0	17,626 0 0
	Dakur irrigated ..	—	—	—	—	—
	Ditto not ditto ....	4,929	1 15 2½	9,611 8 0	1 8 0	7,393 8 0
	Bhoodah irrigated ..	6	1 10 0	9 12 0	1 14 0	7 8 0
	Ditto not ditto ....	3,857	1 3 6	4,700 13 0	0 15 0	3,616 0 0
	Total	17,613	2 1 10½	37,269 11 0	1 10 0½	28,669 0 0
Bangur or up-land.	Rouslee irrigated ..	2,482	5 3 2½	12,906 6 0	4 0 0	9,928 0 0
	Ditto not ditto ....	10,453	3 4 0	33,972 4 0	2 8 0	26,132 8 0
	Dakur irrigated ..	24	3 13 1½	91 11 0	2 15 0	70 8 0
	Ditto not ditto ....	4,576	1 5 1½	6,320 9 0	1 1 0	4,862 0 0
	Bhoodah irrigated ..	88	1 12 7½	157 5 0	1 6 0	121 0 0
	Ditto not ditto ....	7,064	1 7 4½	10,331 2 0	1 2 0	7,947 0 0
	Total	24,687	2 9 4	63,779 6 0	1 15 9½	49,061 0 0
	Grand Total	42,300	2 6 2½	101,049 0 0	1 13 5	77,730 0 0

Now, on comparing the village statements received with this form so carefully drawn out, we find not one gross rental correspond with it, and not one deducted revenue rate near the jumma. For instance, on comparing two villages we find, that though both had Bangur Rouslee irrigated, one was charged 3 rupees, and the other 2 rupees 8 annas per acre. They exhibited other discrepancies, which it is useless to point out, but which sufficiently proved that this statement was fictitious. The manner in which it was prepared is not difficult to show. The collector, we conceive, after negotiating with the zemindars, and getting as much jumma as they were inclined to accede to, fixed the Government demand on what he called "general considerations," and found, when all the engagements were given in, that the jumma amounted to 77,730 rupees, which fell at the rate of 1 rupee 13 annas 5 pies on the cultivated acre. This was distributed on the Bangur and Khadur area: to the former was assigned 1 rupee 15 annas 9½ pies, and to the latter 1 rupee 10 annas 6 pies. But this again had to be distributed on the classes of each soil, and this was done by a *back* process, till all was made square. There would have been no harm in all this, had it been done *previous* to settlement, and had the

collector found out that the proper sum to assess on the pergunnah was 77,730 rupees, and then divided his rates on each class of soil, and assessed the component mouzaha accordingly; but this was not done, otherwise the village rentals and the assumed rates would of course have coincided, which they did not. The formation of these rates was evidently an after-thought. See also how beautifully the rent rates are drawn out even to the fractions of pies. These are more evidently fictitious than the others, and are formed by adding about 30 per cent. to the revenue rates. This would have been all very fair had it been stated, but the endeavour is made to show how carefully the rates have been ascertained by the collector, and inferences are thence drawn to the disparagement of his predecessors. Now the fact is, that where Metayer rates prevail, as they did in this pergunnah, it is not possible to find out proper rent rates, and by many settlement officers it is consequently never attempted; and, therefore, there was less necessity for making a parade about doing that which was not done, and which it was no error to leave undone.

The nominal division of the village lauds exactly according to the hereditary shares of the proprietors is another fiction, now, we are happy to observe, totally repudiated.

Some settlement officers are in the habit of fixing the allowances of the putwaree in money, and orders are issued to the malgoozars, to see that the putwarees are paid from the "village expense" fund, and in the papers sent up for approval so much is deducted on this account. But let us go into any of the villages where such orders have been issued, and in scarcely one will the system really be found in practice. These men prefer their own measures to ours, and we should suffer them to legislate for themselves, and not interfere with the internal economy of their villages, as if they were so many children, unable to act without our guidance. We had occasion once to inquire about these putwaree allowances in a district, where the collector professed to fix their money salaries, and found that the proprietors had all reverted to their old mode of paying a certain amount as perquisite in the rupee or maund.

For this reason we consider the police statement furnished with the settlement papers to be somewhat useless, and have great doubt whether the chokeydars are likely, two years hence, to find themselves in possession of the land which has liberally been granted to them. Nay more, we much doubt if the land which is thus bestowed upon the policemen, is any thing more than the portion which the collector thinks they ought to get, but which he never attempts to give them. We were much struck a few days since with a most beautifully drawn out chowkedaree form, in which every policeman was stated throughout a whole large pergunnah to have from two to six acres a-piece of irrigated land, and the rent rates of the pergunnah, which such land was supposed to yield, were calculated as the profit of the policemen. Now, where does this land come from? it must have been in somebody's possession, or it would not have been irrigated;—or if it were the chokeydar's hereditary possession, how did it happen to be in *even* acres, which is a standard of English mensuration? On our making further inquiry, it was replied, that all the cultivation of the pergunnah was irrigated, and, therefore, the rent rates were, of necessity, put down at the rate of irrigation. We are almost tempted to believe that in this also there is a lurking fiction. To be sure, on looking at the general statements for three very large pergunnahs sent up by this office, we find nothing except irrigated cultivation, but we can hardly conceive these returns to be correct, when we find that the culturable waste is in each of these pergunnahs as large as the following returns exhibit:

*Pergunnah No. 1. Pergunnah No. 2. Pergunnah No. 3.*

Irrigated .....	21,096	6,050	18,511
Culturable waste .....	8,643	1,917	7,655
Lately abandoned .....	1,404	739	880

and in these pergunnahs there is not one single acre of unirrigated land? It

may be true, and the high character of the gentleman whose forms are under consideration forbids us to surmise the contrary, but — the circumstance is unparalleled, particularly when the same gentleman reports that he fixed his assessment with reference to the *means* of irrigation, which means, as they were open to all, there was no occasion to take into consideration. These *pergunnahs*, moreover, are by no means the best in the district, for under the former Government they were allowed two fingers in every yard, in order to make up in quantity what they were deficient in quality on comparison with one of the neighbouring *pergunnahs*. But to revert to the chokeydars, we inquire, have they got actual possession of this irrigated land in even acres? The value of their land was deducted from the village assets, and thus given *maaf* by Government. Was it intended that this vast body of men should become *Government* stipendiaries? Certainly not, according to Sec. 32 Reg. XXV. 1803.

We may remark here upon the tendency of some men to found their calculations, in the first instance, on the very unsubstantial basis of putwarees' papers. Ingenious men are apt to think that these loose detached *furds* represent the true state of the collections. Even when they are gained, at whatever price, a special interpreter will be required for these Sybilline leaves, unless the collector, as indeed he ought, is able to read them himself. Almost the only true putwaree papers which are to be gained, are those which represent *jumma dala* rates; but these again are also dangerous in their way; for we have known a man take his average *pergunnah* rate from them, and assess his villages so high, in consequence (because the *ryots'* land was entirely excluded from consideration in that particular instance) that he was compelled after the first year to revise his own settlement. Moreover in selecting putwarees' papers for examination, we almost naturally look out for the best villages, and the nearer they approach to truth, the heavier will be the assessment on the who's *pergunnah*. In endeavouring to seek for averages, there is almost always a danger of taking the best as our standard; for we do not like to look at the dark side of the picture, and do not consequently mix the bad with the good in the requisite proportions. This was strikingly illustrated in the old Bijnore settlements by Mr. Halhed, who conceived he had taken as his standard average crops, when it was notorious that he was content to measure the produce of those fields only, which presented an inviting appearance. This was, no doubt, the cause of many other Regulation VII. settlements breaking down.

When the villages are classified, and the standard of assessment, or of comparison, is once obtained by the preliminary calculations, we are of opinion, it should not be departed from, and that three or four other standards should not be assumed at the same time, which are to be appealed to in case of necessity, that is, when the collector finds himself diverging considerably from his original rates. We will elucidate our meaning from the papers of a man, who has taken, perhaps, more care than any other settlement officer to fix his *jumma* *bundees*. We will quote a few of the miscellaneous general remarks. "The estimates for the rental," he says, "are as follows:

1st.	2d.	3d.	4th.	5th.
By average rates.	Average collection of 10 years according to Putwarees' papers.	Patontees of year of measurement.	Patontees of 1243 F. S.	Rental proposed by ameen.
2,201	2,760	3,090	2,808	2,930

The land is of productive quality, and there is a pool of water in which *singaras* are produced, and which pays in good years about 300 rupees. But this is rather an uncertain item, as it occasionally fails entirely. The sum which I have assumed as gross rental, will be thought sufficient when compared with the estimate by average rates."

The sum assumed in this instance as gross rental is 2,749 rupees, which comes nearest to the second rate. But it should be remembered, that the 1st



rate has already been formed with full advertence to the 2d, 3d, 4th, and 5th rates. They had already been taken as the grand basis of the first rate; and therefore ought to have been left out altogether, or if the 2d is the one, according to which he proposed to settle, the others ought to have been excluded. But he does not take the 2d as his standard, for another statement says

1st.	2d.	3d.	4th.	5th.
910	329	556	525	500

There is more variance between the estimate by average rates and the actual rental in this village, than in any other in the pergunnah. But I have satisfied myself by personal observation and inquiry, that the present rental cannot be reckoned at a higher sum than I have assumed for it. The cultivation is in the worst order, and till 1240 F. S., a great part even of the land now under plough was allowed to remain waste." He fixes, therefore, the rental at 581 rupees, which is nearest to the 3d estimate, and, therefore, he should have kept to the third. But neither does he keep to the third, for in the next we have the following :

1st.	2d.	3d.	4th.	5th.
545	270	253	438	361

The land is of very bad quality, and the jumma demanded by the proprietor during the last twelve years, has varied between 222 and 375 rupees. The collections of past years are low, in consequence of the defective cultivation."

The rental assumed in this case is four hundred and seventeen rupees, which comes nearest to the fourth estimate.

Let us take another pergunnah, on which even more care has been bestowed, because we find there are no less than six estimates. Premising also in this case, that the first has been chiefly founded upon the results of the other five.

1st.	2d.	3d.	4th.	5th.	6th.
698	526	512	622	518	594

The land is of poor quality, which renders the first estimate by average rates inapplicable to this estate, and even the sum proposed by the tahseeldar is more than appears likely to be regularly realized. The gross rental has, therefore, been assumed at 550 rupees."

This brings it close upon the second estimate.—Another :

1st.	2d.	3d.	4th.	5th.	6th.
1163	1407	1424	1538	1406	1467

Upon examining the *nikassees* of this village for the last twelve or thirteen years, it appeared that the produce had in some years reached 1,500 rupees when the seerland was fully assessed. With reference, however, to the amount of the first estimate by average rates, the sum above-mentioned appeared to be somewhat too high, although the soil is certainly of good quality. On this account the new jummaundee was assumed at 1,440 rupees."

This again is close upon the third estimate.—Another :

1st.	2d.	3d.	4th.	5th.	6th.
1813	1846	2015	1981	1985	2016

This is a fertile village, and whenever the land has been properly cultivated, and no *seer* or other cause has intervened to diminish the rental as shown in the yearly accounts, the latter have shown a total amounting to, or somewhat exceeding 2,000 rupees. There still exists some culturable waste,

which may hereafter be brought under crop. The basis of settlement has been assumed at 1,000 rupees."

Here again we have it almost corresponding with the fifth estimate.

We have been particular about these cases, because it is well known by the initiated that the settlement alluded to has been fixed upon just principles; and, therefore, there was less occasion to show this fanciful detail: but in the hands of an unscrupulous man such varying estimates would furnish opportunity for concealment of important errors. If a collector has six estimates, and chooses to make them differ from each other one hundred rupees, more or less, he will have a fluctuating rate to appeal to, which varies at its extreme points to the extent of six hundred rupees, and will be enabled to give appearance of extreme minuteness, accuracy, and perfection, to that which it never costs him a moment's trouble to consider. He may, in short, without fear of contradiction or exposure, be able to make his papers one mass of elaborate humbug. The remark, will not, of course, apply in this case, but when we see a man, particularly in such discretionary work as settling, attempt to do too much, we are always apprehensive that he has done too little.

Having now pointed out a few instances in which we fancy we have perceived a few endeavours to fashion papers, to order to perplex us with minutiae, and dazzle us with the brilliancy of numerical achievements, we shall next consider the general progress of settlement work in these provinces.

We may reasonably expect to see the settlement concluded within six years at the most. As the means of accomplishing this desirable object will be multiplied every year, and improvements in the system of survey and settlement develop themselves, the celerity of operations will, of course, be augmented, and if our progress has hitherto been quick, we may expect that hereafter it will be quicker. Let us consider what has been done already, and what remains in each district.

#### FIRST DIVISION.

	Jumma of 1243.	Jumma of 1244.
SEHARUNPORE..	9,95,994 .....	10,18,808

About one-third of this district remains to be completed, for which one season is quite sufficient.

	Jumma of 1243.	Jumma of 1244.
MOZUFFURNUGUR..	6,11,404 .....	6,15,708

The revision of settlement in this district is about to commence, and ought to be finished in one season, or, at the most, two.

	Jumma of 1243.	Jumma of 1244.
MEERUT.....	16,12,942 .....	16,41,151
Completed.		

	Jumma of 1243.	Jumma of 1244.
BOOLUNDSHUHUR...	8,76,522 .....	8,78,742

The revision of this district was commenced by Mr. George Bird, a promising young officer, who, had he lived, would, no doubt, have fulfilled the high expectations which were formed of him. Mr. Tonnachy, the uncovenanted deputy collector, has now finished the settlement.

	Jumma of 1243.	Jumma of 1244.
ALLYGHUR.....	17,04,590 .....	18,52,132

\* The actual demand is somewhat less than this, because no allowance is made for reductions of assessment which have not yet received the confirmation of Government. The same remark applies to all other zillahs.

This district will be finished in about two more seasons. The same causes of delay which have somewhat retarded the progress of the first settlements, do not exist in the other parts of the district. Mr. John Thornton, some of whose admirable reports have appeared in the *Agra Ukhbar*, has performed, in settling the talookdarée estates, a most difficult and delicate duty, with great judgment, ability, and success.

In this division, Dehra Dhoon, and the lapsed pergunnahs included in Begum Sumroo's jagheer, have not been noticed. The Sirdhanah pergunnahs are under Mr. Plowden, and those of Tuppul, Jewar, and Pahassoo, will be settled by the Allygurh and Boolundshuhur officers. We may reckon on the whole being assessed at about nine lacs of rupees. The revenue survey of the whole division has been completed excepted in the three last named pergunnahs Captain William Brown, whose progress, remarkable for rapidity and cheapness, is shown in the tabular statement at the beginning of this article, surveyed the first four districts. The last has been undertaken by Capt. Wroughton, whose qualities as a surveyor are well known and appreciated.

#### SECOND DIVISION.

	Jumma of 1243.	Jumma of 1244.
AGRA. ....	16,65,692	16,87,603

No settlement in progress in this district.

	Jumma of 1243.	Jumma of 1244.
MUTTRA.....	16,05,644	16,25,567

According to the tabular statement at the beginning it will be seen that very little remained for settlement at the close of 1835-36, and that, we presume, is now complete.

	Jumma of 1243.	Jumma of 1244.
FURRUCKABAD.....	17,64,394	16,11,600

The actual demand on the tabular statement differs greatly from this, because large increase has been obtained by the annexation of other pergunnahs. It will be seen that about four lacs of rupees was left for settlement, besides that of the pergunnahs lately annexed. Although Mr. Robinson has had other official duties to perform of no slight trouble and responsibility, his progress has been very successful.

	Jumma of 1243.	*Jumma of 1244.
MYNPOORIE.....	18,34,714	28,15,801

There are no settlements in progress in this district. It has by late arrangements been divided into two, Etawah and Mynpoorie. The professional survey will shortly commence under Captain Wroughton, after he has finished the remaining portions of Furruckabad, and the settlement will not be long in following it up. An increase of jumma may be expected from a revision of the present assessment.

#### THIRD DIVISION.

	Jumma of 1243.	Jumma of 1244.
BAREILLY.....	14,07,346	13,84,158

This district is now finished, and Mr. Muir, who has performed his duty very satisfactorily, will shortly commence Shajehanpore.

	Jumma of 1243.	Jumma of 1244.
SHAHJEHANPORE...	11,15,700	11,15,156

\* Included Belah.

The settlement will commence next season in this district.

	Jumma of 1243.	Jumma of 1244.
PILIBHEET.....	4,89,707 .....	4,72,277

The settlement has not yet begun, but we conceive that the survey has since, the commissariat officer informs us, that he has been directed to supply an elephant to the surveyor, on account of the swampy nature of the jungles. Mr. Timins is so intimately acquainted with this district, that it would be highly advisable that he should settle it. He has, however, just claim to promotion which cannot be overlooked.

	Jumma of 1243.	Jumma of 1244.
MORADABAD, S. D..	9,79,168.....	9,79,778

The settlement has commenced in this district, and will be brought to a speedy conclusion under the superintendence of Mr. R. Money.

	Jumma of 1243.	Jumma of 1244.
MORADABAD, N. D.	14,79,056. ....	14,65,863

The settlement may be expected to be over by the end of next year.

	Jumma of 1243.	Jumma of 1244.
SUHESWAN.....	10,14,048 .....	12,79,932

The progress of the revision in this district was highly creditable to Mr. S. S. Brown, in whose hands it could not but succeed. Had he remained, the settlement would have been complete ere this. He has left little to be done.

	Jumma of 1243.	Jumma of 1244.
KUMAON.....	2,16,780. ....	2,16,966

Almost every thing remains to be done.

When the survey of Shahjehanpore is complete, Mr. Abbott will move to the southward, and commence the unsettled districts. Probably Cawnpore will be selected as the first to come under survey. Captain B. Browne will survey the remaining part of Rohilcund, including the forests of Bareilly and Shahjehanpore.

#### FOURTH DIVISION.

	Jumma of 1243.	Jumma of 1244.
ALLAHABAD,.....	20,22,615 .....	20,24,971
FUTTEHPORE.....	13,34,425 .....	13,34,960
CAWNPORE.....	26,83,358 .....	21,80,496
BELAH.....	6,80,001 ....	
BANDA.....	18,58,428 .....	18,57,327
HUMEERPORE... ..	14,26,177 .....	13,46,104
Total	100,05,004	87,43,858

In none of these districts has any revision commenced. In Bandah and Humeerpore a summary settlement has been formed, which reduces the jumma greatly below the amount in the tabular statement. Belah does not now exist as a separate zillah. It was at the beginning of the year absorbed by Etawah. The survey of Bundelcund has commenced.

# FIFTH DIVISION.

	Jumma of 1243.	Jumma of 1244.
<b>BENARES.....</b>	10,76,256	10,76,751
<b>MIRZAPORE.....</b>	6,67,943	6,67,797
<b>JOUNPORE.....</b>	11,52,106	11,93,528
<b>GHAZEEPORE.....</b>	12,43,088	13,75,835
<b>Total</b>	<b>41,39,393</b>	<b>43,13,914</b>

All permanently assessed.

	Jumma of 1243.	Jumma of 1244.
<b>GORUCKPORE.....</b>	11,11,551	12,49,630

The survey is in stronger force here than elsewhere, in order that the settlement may be speedily completed. The addition to the Government rent roll is so important, being at the rate of more than 100 per cent. that it is obviously desirable no delay should occur; and yet with all this enormous increase—actual and prospective, it will scarcely be believed that the cultivated area will bear an average of only one rupee per acre. The peculiarity of the Birt tenure, and the small area of the villages, rather retard the progress of the settlement, but it will, doubtless, be concluded by the end of next year.

	Jumma of 1243.	Jumma of 1244.
<b>AZIMGURH.....</b>	12,82,907	13,54,369

The survey and settlement of this district are finished. It is matter of regret that Mr. Thomason has been called away before completing the records of settlement under his own superintendence. His successor, who has obtained good repute for his own settlement labour in various pergunnahs, will, no doubt, bring up the work in a most efficient manner, but Mr. Thomason's abilities and talents are of such a high order that we very unwillingly forego the pleasure which a perusal of his own remarks would have afforded us. We trust that he will give us the benefit of his experience and conclusions in some durable shape.

# DELHI DIVISION.

	Jumma of 1243.	Jumma of 1244.
<b>FIVE DISTRICTS.....</b>	37,15,812	38,07,991

A few partial commencements have been made, and, as almost the whole division has been served professionally by Captain Simmonds, we may expect the officers to commence with vigour next season. There is no lack of ability amongst them, and a fund of excessive zeal. Captain W. Brown is surveying the remaining portions of Hansie, and will shortly take up Badshahpoor, Ferozepoor, Captain Thoresby's Bhutte country, and the tract reluctantly given up by Pattialah.

# SAUGOR AND NERBUDDA TERRITORIES.

	Jumma of 1243.	Jumma of 1244.
<b>THREE DIVISIONS....</b>	22,28,181	21,53,608

Settlements are proceeding in this division, but without any trust-worthy survey, and with large abatements, in order to reconcile the potails to the dangers which they apprehended from a twenty years' lease. The famous minute of Mr. R. M. Bird, induced a thorough reform into the mode of administration in this division; and a man who enters into engagements with Government is now compelled to act up to them, instead of being buoyed up with the hopes of ultimate remission by exciting the collector's commiseration.

We think that the result of this detailed examination amply bears out our assertion, that the settlement is making satisfactory progress in the North

**Western Provinces.** The enormous interests involved in the question have induced us to enter into large detail. If we deduct the revenue of Benares (41,39,393 rupees) from the total jumma of 1243 F. S., we shall find a revenue of 3,77,53,416 rupees affected by the measures in progress. From this is to be deducted a further sum for excess of nominal over real demand, and we shall leave a clear revenue of about 3,60,00,000 rupees, which either is to come or has come under revision of settlement. This is several lacs above the revenue permanently assessed in Bengal, Behar, and Orissa; several lacs above the whole revenue of Madras, both permanently and periodically assessed, and more than double the whole revenue of Bombay. We subjoin the following table in exemplification. It must be remembered that the whole exhibits nominal demand, and is so far, of course, in favour of permanently assessed provinces.

	Jumma of 1829-30.	Square miles.	Population.
	<i>Sicca Rupees</i>		
Permanently settled ....	3,24,70,853	140,782	35,518,045
Periodically settled .....	3,76,19,553	161,250	34,191,426
Bengal	7,00,90,406	311,032	69,710,071
	<i>Madras Rupees</i>		
Permanently settled ....	85,11,009	49,607	3,941,021
Periodically settled ...	2,27,27,005	92,316	9,567,514
Madras	3,12,38,014	141,923	13,508,535
Periodically settled } Bombay }	1,48,19,288	64,938	6,251,546
Total	11,61,47,708	517,893	69,470,152

It is satisfactory to know that the settlements which are in progress are made without any avowed purpose of increasing the Government rent roll, although the net result of the whole will probably be an increase of twenty lacs. Abatements are even more readily conceded than enhancements are laid on. Never yet has a proposal for relieving an over-assessed estate met with rejection. On the contrary, the collectors have been positively enjoined to search out those estates which are heavily assessed, and to reduce them at once of their own accord, although the sanction of Government may already have been obtained for the existing lease. In the same spirit it has been declared that while in newly assessed estates all decrease is to be given immediately, increase is not to be taken till after the year of settlement. While such just principles obtain, we need be under no fear of over-assessment, and its consequent demoralization. The able statistical tables which have appeared in our magazine under the signatures of S. and P. R. shew the assessment of these provinces to be any thing but severe. So far is the revenue from absorbing the whole of the rent, or even nine-tenths of it, as the least virulent of the Honourable Company's opponents assert, that, on an average, little more than one-half enters the Government exchequer. To be sure a deduction of about one-third or one-fourth only is left in favour of the proprietors, but it is, of course, merely nominal, as every one not ignorant of settlement work well knows. Indeed, when we consider what an acre of land can produce even in this country of light soil and clumsy agriculture, and then examine the rate at which the revenue falls on the cultivation, we cannot affirm that it is excessive. We subjoin tables of the rate of assessment in the several zillahs which have yet come under revision. We make no selection of pergunnahs to suit a particular purpose, but take the mean rate of each district, as far as it has been settled.

Name of District.	RATES OF ASSESSMENT PER ACRE.		
	On total area.	On malgozaree.	On cultivation.
Seharanpore .....	1 5 9	1 11 3	1 14 9
Bereilly .....	0 14 5	1 0 7	2 0 9
Goruckpore .....	0 8 10	0 12 8	1 1 6
Meerut.....	1 0 6½	1 3 11	1 13 4
Allyghur.....	2 0 8	2 7 10	2 10 9
Muttra.....	1 13 11	2 5 2	2 10 3
Furruckabad .....	0 14 0	1 1 2	1 12 7
Bijnour .....	0 15 2	1 3 2	1 15 4
Saheswan .....	0 12 2	0 15 7	1 8 6
Azimghur .....	1 0 2	1 9 3	2 4 5
Saugor.....	0 9 8	0 13 2	1 7 1
Jubblepore .....	0 9 6	0 11 2	1 4 3
Agra (Reg. VII.) .....	1 11 2	2 2 10	2 9 8

The last is quoted because friend INDOPHILUS said, it was almost the only moderately-assessed district in the upper provinces; but the averages tells another tale.

We regret extremely to find that we have already so far exceeded the limits assigned to us, as to leave no room for a discussion we had promised ourselves, respecting the *vezata questio* of settling by average revenue rates, and a comparison between our own and the ryotwar system of Madras. Of the rate question we can only say, that the objection which has been urged against it of rendering poor soils liable to heavier assessment than rich ones, would only be valid if the settling officer were in every instance to settle by one revenue rate. But the fact is, he is under peremptory injunctions to see where these poor soils intervene, he is ordered to class them separately, and at lower rates, and where they are too small and scattered to admit of distinct classification, he is merely to state his reasons in each instance of their occurrence, why he has not taken the full revenue rate. Now, in this there is nothing recondite; in this there are none of the perplexities and mystifications of the old produce rates, and if it is remarked that, by the present system, you cannot get at the real assets of a village, we can only reply that neither did the ponderous old *entomological* system (if we may venture on the expression), nor will any system in the world enable one to obtain them. Whatever is done in settlement work must be almost at a venture, and we would infinitely rather rely upon the discretion of a European in forming a standard rate than on the fictitious assets and estimate given in by a native ameen. What has become of the Regulation VII. settlements, which professed to be formed on the most careful ascertainment of produce? how many of them have stood with their fractional *nirukh-names* and myrionymous soils? and how many within so short a period have undergone subsequent revision by the application of these very rates? On the second subject of the comparison between a ryotwar and our mouzahwar settlement we have collected materials, but must avoid introducing the discussion for fear of extending an article already too long. Much as we have to say in praise of our system and condemnation of the Madras ryotwar, we think it is but just to the latter to point out the gross misrepresentations which it has to undergo, because disputants will persist in remaining ignorant of the important modifications which it has undergone since the year 1820. It was but the other day that a discussion arose at the presidency, respecting the merits and demerits of the ryotwaree settlement, when the well-known statements of Messrs. Fullarton and Tucker were quoted as applicable to the present state of the system. The stale arguments about compulsory labour and the ten per cent. liabilities of neighbours (which even the *Edinburgh Review* of April 1823, brings against it), and the excessive rates, only prove how little it is known that the latter have been reduced from 12 to 42 per cent, and that the two former have been totally abrogated. Nevertheless,

we will show how much evil attaches to the system, how many domiciliary inspections, how many minute interferences are rendered necessary on the part of the collector's establishment, by merely quoting parts of a *cowle*\* issued this very year in a large ryotwar district. How wretched must it be under these harpies of the jumna bundy office. Celæno herself could not assume a more forbidding and voracious aspect than we descry in a native revenue assessor on his annual circuit to ascertain whether land is *nunjah* or *punjah*.

Now, how is it possible for a collector to superintend all these administrative details every year, and issue 60,000 pottahs on the mere report of his native officers respecting the increase or decrease of cultivation, and the conversion of land from an inferior to a superior quality. It is utterly impracticable, and, however, the ryotwar collectors may apply the checks which they profess to be able to do, we must believe it an hallucination. The mere remembrance of such words of Tooloochitto, Caniatchi, and Parampoke, and a hundred more just as euphonous, is in itself an herculean labour to which the energies of many European collectors must be unequal in an enervating climate.

This system has been preached up by the Government at home, various attempts have been made to introduce it, or rather the local Governments have been ordered to superintend its introduction, and the Bengal collectors have been stigmatized as incompetent, because they were unable or unwilling to manage its details. Whenever the court got angry at our supineness in not endeavouring to master the subject, and, at least, submit it to a fair trial, unfavourable comparisons have been instituted, in which the balance is always in favour of Madras. On the 11th of June 1823, they remark, that the ryotwar settlement has been eminently successful in other parts of India, that it is the system which has been acted upon throughout extensive tracts of country, and that it has brought their European functionaries employed in the administration of the revenues to a more minute acquaintance with the landed tenures of India, and the rights and interests of the natives concerned in the agriculture of the country, than they possessed in regard to any provinces in which that system has not been adopted. Now, with respect to the knowledge of the landed tenures, it unfortunately did not prevent them taking almost every possible measure to effect their subversion. It cannot now be questioned that their assumption of waste land as Government property was an infraction of private right, and in conferring as was done in many instances, and as Professor Reaumur proposed to do in Ireland to the horror of the landlords, a transferable and heritable right upon the Paracody Pyacarries, and converting them from tenants at will into tenants *in capite*, that they manifested anything but knowledge of Indian tenures. They, indeed, have lately declared, that when one or more concurrent liens exist, the holder of the highest is to engage with Government; but their previous measures must have almost extirpated the class, which did hold the highest lien. Even Mr. Ellis's meerassée paper was ineffectual to prove the indefeasible right of the proprietary body to the waste land in every village, and Mr. Chaplin could so little divest himself of his ancient prejudices, that as commissioner of the Deccan, he delivered it as his opinion, that all *ghuthool* lapsed to Government, and not to the federate village communities. Surely men bred up in such a school, whatever knowledge they may have of rates and assessment, could not boast of much information on the common law of Indian tenures. Place any one of them in such a pergunnah as Bilhabans in Azimgurh, Fureedpore in Bareilly, and Soordar in Furruckabad, and let us see what he would make of a *khet-but*, or of a *khoont-but* in the Soorijpore talooka, or of a *bhej* in Bundelcund.

That the ryotwar system must naturally deaden all industry, that it must repress the energies which freemen ought to possess, are lamentable truths.

\* We have been necessitated to omit the *Cowle*, owing to the length of this article.—Ed.



The state of the collections shows that the cultivation of the waste cannot have increased to any extent, that the revenue of all our provinces which are subjected to this system has been so far from improving, that it has positively retrograded. The financial results of this management tell an important lesson. The lands settled on the ryotwar principle yielded :

In 1805-6.....	Madras Rs.	2,38,27,063
In 1814-15 .....	"	2,40,67,512
In 1829-30 .....	"	2,6,46,797

Showing a decrease between the year 1805-6 and 1829 30 of Rs. 11,80,266. No system under such a result can be considered prosperous.

Let us compare our revenue management with this, and we shall show good reason to the Honourable Court to be grateful that the introduction of the ryotwar system in these provinces was successfully resisted, or, if they choose it, neglected by the collectors. Under our village settlements we have obtained an enormous increase, and, notwithstanding the large reductions which have been willingly granted in Bundelcund and other over-assessed districts, we have been rapidly advancing. The following is surely a picture of unexampled prosperity, not ruination, rack-renting, and demoralization, as a certain class of writers choose to call it; for, as PHILARETHES justly observes, the parallel increase of the sayer and customs proves beyond a doubt that the whole population must have been making simultaneous progress in procuring the substantial comforts and luxuries of life.

The land revenue of the ceded and conquered provinces and Delhée was :

	Rupees.
In 1805-6 .....	2,11,18,271
In 1835-36.....	3,55,25,235

or an increase of one crore and forty-four lacs of rupees in the ceded and conquered provinces and Delhée, for thirty years since they have been under our rule. Some part of this, but a comparatively small one, may, of course, be attributed to escheats and resumptions, twenty lacs would be more than sufficient on these accounts. It is notorious that all this has been attended with improvement in the condition of the agricultural population. Old deserted villages have been reinhabited to an extent little known, new ones have been built, hamlets are every day rising as shoots struck off from the parent stock, and in every direction uncultivated plains and tiger-jungles have been converted into waving corn-fields.

How much of this surplus we should have obtained had we been under ryotwar management, the Madras accounts too plainly indicate. While, however, we are satisfied with our own system, there is no occasion for disparaging our rivals. We have instituted a fair financial comparison between them; and, notwithstanding the loud and frequent encomiums which are bestowed upon the ryotwar, we must confess it does not *show* well. As far as tenures are concerned, if we have not more knowledge of them, we have, at least with greater care, preserved their integrity, and while the revenue under that system is collected at an expense of 14-909, our expenses are only 8-194 per cent. The attempt to show that zemindaree deductions ought to be included under expenses is manifestly futile, as we could easily show if time would permit us; neither have we time to discuss the question of the permanency of the present settlement, or to describe, as we had intended, some of the most intricate tenures which exist in these provinces, both of which present many interesting attractions which we are unwillingly obliged to forego.

All the important points also which will be brought forward after the completion of each settlement must be disregarded by us. In one respect the settlement itself is by no means an ultimate limit of reform, other healing measures will follow. We shall have the revision and reduction of the collector's establishments, a less harassing system of collection, fewer processes of coercion, less interference on the part of the revenue authorities, no sales for arrears, or, at least, have a sale law, which will effectually protect the coparcenary communities, and render every man's property liable for his own default, acquisition of wealth, diminution of crime, a more regular method of conveying, and, perhaps, eventually a regulation for disavailing estates, and rendering them not partible below a certain value.

Already have the good effects of the revenue begun to be felt in the districts nearly completed. Canals are opening, wells are digging, and large tracts of land have already been thrown up on the faith and security of the settlement. The summary suit department, too, already begins to show how admirably rights have been recorded, and what few matters arise between landlord and tenant which require adjustment, and how, when they do arise, they can, on the instant, be decided. Yet in those districts, even where the per centage is lowest, not a single pottah is issued. People have been allowed to make their own arrangements, and of those they know that the collector has a perfect record. Here we have no pergunnah rates or local usage to go by, we know what each cultivator ought to pay, either in crop or money, in virtue of specific engagements, and decisions are given accordingly. We will examine the summary suit statement for the year just expired.

Division.	Jumma of 1835-36.	Summary suits entered in the year 1836.	Proportion per 1,00,000
1st or Meerut division.. . . .	58,01,459	404	6,96,378
2d or Agra division .. . . .	68,70,444	1415	22,59,546
3d or Bareilly division. ....	64,85,025	1139	17,56,354
4th or Allahabad division.. . .	100,05,004	1499	14,98,250
5th or Benares division.....	65,33,851	4794	73,37,173

This tells much in favour of those divisions which are most settled, and the remark applies as well to districts as divisions. There are, of course, a few anomalies, and some unsettled districts show few summary suits, but it seems chiefly attributable to the existence of talooqas, which appear to affect the department in those districts where they exist to any great extent. The reason of which may be sought in the fact that the large proprietors would rather compromise disputes with their under-tenants than be sued in a collector's office, and submit to the decision of a European functionary. This will account for the small proportion in the Allahabad division. If we take districts not subject to these influences, the effect of the settlement is evident.

Meerut.....	16,12,949	.....	86	.....	5,33,184
Moozuffernugur	6,11,404	.....	63	.....	10,30,414

These are in the first division. Let us compare two more in the second division.

Furruckabad....	17,64,394	...	328	.....	18,58,995
Agra.. ....	16,65,692	...	755	.....	45,32,650

The suits in the Benares division present a formidable appearance, and must be ascribed partly, though not entirely, to the defective records of the permanent settlement, because, unfortunately, the districts in which the

periodical assessment is nearly complete, exhibit the heaviest amount of litigation.

Benares....	10,76,256	....	430	....	30,95,331
Mirzapore..	6,67,943	....	401	....	60,03,606
Jaunpore....	11,52,106	....	793	....	68,83,047
Ghazepore...	12,48,088	....	942	....	75,77,902
Azimghurh...	12,82,907	....	966	....	76,85,670!
Goruckpore..	11,11,551	....	1242	....	1,11,73,576!!

Such results in the two last instances must either be attributed to the litigiousness of the people, the complexity of the tenures, or the negligence of the officers in drawing out the records. The latter is notoriously not the case, and as for the first, there seems no cause why the rural population should be more litigious in those parts than in others, so that we must incline to the second reason, and ascribe the number of suits to the extreme confusion observable in the tenures, where we find the fields of one property not contiguous, but lying interspersed in several other mouzahs, and different portions of perhaps ten different estates comprehended in one mouzah.

The excess of Benares suits, however, will scarcely admit of this solution, but some neglect of record at the time of the permanent settlement must have caused such a state of affairs, and, if we consider the care with which Mr. Jonathan Duncan made his settlement, in comparison with the precipitancy which prevailed in Bengal, we shall, perhaps, cease to wonder that 30,000 suits were depending in Burdwan alone, within two years after the establishment of the permanent settlement. We may remark, by the way, that it appears very strange, why the indeterminate pergunnah money rate was referred to in deciding disputes; for, if the *nijkaree*, *butaee*, or grain-rate had been appealed to by the cultivators, which was the only known and recognized *hissu hakimee*, no right of ouster could possibly have been established. If the collector, instead of asking what rent in money the particular field had paid or ought to pay, had merely inquired what was the proportion of the crop upon which the Government lien was fixed, it appears to us obvious that no enhanced rents could have been laid on, and the greater part of the dispossessed occupants would have retained their ancient patrimonies, and lived quietly and contentedly enough, notwithstanding the loss of their designation as proprietors. Whether they were really proprietors or not is a disputed point. We have, however, little doubt that, during the successive revolutions of former Governments, one third of Bengal must have been entirely denuded of its ancient proprietors, as we find now to be the case in Pilibheet, Moradabad, and some other districts of our own provinces. Before we quit the consideration of Bengal and the host of reflections which its settlement inspires, let us hope that some tardy justice may be meted out to the cultivators, which has been so long promised, and so long withheld; Regulation V. of 1812, is acknowledged to have totally failed in its object. When the survey of the western provinces is completed, an opportunity will be presented for adjusting the important questions that affect them, such as has never been held out before. The boundaries of every estate should be settled, the area of each surveyed, and the rates of the cultivator's payments fixed either in money or kind. These are hopes which have been all along held out to these wretched poverty-stricken serfs, and if the Bengal collectors declare such a measure to be impracticable, we will engage to supply some of our west-countrymen who will be able to accomplish it without difficulty. We are persuaded that no single *zillah* in Bengal would present insurmountable obstacles to the introduction of such a salutary reform. Not a single right of a single *zamindar* would be infringed, there would be no inquiry about assets and profits, but merely about rates, of which any man of common ability and vigour, and a little previous experience of up-country management would be able to prescribe a schedule, that would be satisfactory to all parties. But they will shortly educate amongst their own body, officers who will be able, and we trust willing, to enter on

this goodly work. Cuttack is about to be settled for thirty years on precisely the same principles which have been adopted by us. They will there be able to train their own officers to the work; and, let us trust that the revision of assessment in that province will be carried on with that extreme regard to moderation which has been so strongly inculcated on the authorities here; if other sentiments prevail, it is as well that it should be entirely left alone, as a long lease with a heavy assessment is only a mockery, an unsubstantial and ruinous boon. But they have Philalethes, Indophilus, and others, who have *no mon de guerre* by which they can be designated; and with such known advocates for lenity and moderation, we need be under no apprehension for the result.

As far as our own provinces are concerned, we have reason to be thankful that our men in power, under whose auspices the present system has been commenced, and by whom we trust to see it brought to completion, are actuated by these feelings. Let us not forget in this place the late Governor General, Lord William Bentinck, whom we of MUM have for other reasons helped to abuse. In the matter of settlement, he deserves unqualified praise. During his tour in these provinces, he bestowed unremitting attention on the subject; seeking how he could best substitute some more rapid and summary process than the cumbrous details of Regulation VII admitted. He himself, however, never contemplated the success which has attended the new system. He was for leaving all rights and judicial claims for subsequent investigation, which is called in one of the public documents "a supplementary duty." Settlement officers were strictly to confine their labours to assessment, and not trouble themselves about any inquiries unconnected with the jumma, which was to be determined as quickly as possible, in order that men's minds might be set at rest, regarding the vital question of the amount of revenue which was to be demanded of them. But besides this, a more perfect system of registry has been introduced than even Holt Mackenzie could have ventured to contemplate in his fondest aspirations. His indefinite definitions and perplexing simplifications could scarcely have worked out such a result, though much is confessedly due to his great labours and penetrating sagacity. No man ever acquired such a knowledge of our tenures, and attained to such a practical acquaintance with revenue affairs as he did, by the mere dint of study and perseverance. Indeed, notwithstanding that his grand scheme is now altogether rejected as utterly impracticable, we may safely aver that we never should have had our present settlement had he not directed so much attention to our provinces, and to the urgent and imperative necessity of preserving the rights of the inferior tenantry.

In conclusion, let us express our fervent hope that a rich harvest of prosperity is opening to the landholders of these territories. Some of their valuable staple products are getting more in request, their sugars will now be able to enter into competition with those of the West Indies, more attention is attracted to matters of horticulture and agriculture; British enterprise having now a free field, will teach by example habits of economy and industry; and, before no long time diffuse a general spirit of emulation, and Government, having at last found out that canals yield a profitable return, will be induced to make new experiments. The Delhee canals have been found to yield an indirect revenue of about 1,20,000 rupees per annum, besides 50,000\* rupees of water-rent; and a branch which was opened at Bootana, a short time since, has returned in the first year no less than 42 per cent. on the outlay. The Ganges, no doubt, is as fit for irrigation as the Jumna. It could be made to irrigate down from Hurdwar to Allygurh at a moderate expense. Rohilcund might be irrigated from the hill streams by diverting the water out of the nullah beds to the high intermediate ridges, and an attempt of this kind is now in progress. A cut from the Ganges in that province would be too expensive, for the same reason that the Doab canal has proved so much more costly than those in the Delhee territory, that of its course being intersected by drainage

\* In this year of draught the realizations of water-rent will probably exceed two lacs.

from the mountains setting generally south-east —, but enough for the present of our credulous felicitations.

Sober spirits, we are afraid, will conceive that our imagination has been running riot, been conjuring up too bright an Utopia, and that past experience does not warrant such pleasing anticipations. But there is much cause to infer that we are now really entering on an era of prosperity, as far at least as concerns the agricultural classes. They are themselves rejoiced at the prospect of reaping the full fruits of their own industry for thirty years, and at the certainty that the Government will not participate in the profitable returns of their expended capital. Absolute equalization of assessment is, of course, impracticable, but unjust exemptions and immediate pressure have been rectified as far as possible, and undue partiality or rigour has been shown to no one. There has been no grinding exaction, no vexatious and inquisitorial interference with the private concerns of individuals, but a demand has been made upon all to contribute as equally as circumstances would admit to the burdens of the state, and, the present settlement having been formed on such just principles, we surely have reason to hope that, with the help of Providence, it will prosper.—*The Meerut Universal Magazine.*

THE  
CALCUTTA MONTHLY JOURNAL.

1838.

THE CODE.

Fonce thought of publishing notes to which my name should be affixed. On consideration I have for the present abandoned that intention. These notes ought to pass current for what they are intrinsically worth, as well without a real name as with one; and as I have written and shall write nothing under this signature of A LAWYER, which I shall not at all times be ready to avow if there be any occasion to avow it. I shall be nearly as careful of what I write as if I sang my name, and more at my ease perhaps if readers by general consent shall decide that I write what is not worth reading.

Note 1st. On an extract from the preface of the Indian Law Commissioners. "For reasons which have been fully stated to your Lordship in Council in another communication, we have not inserted in the Code any clause declaring to what places and to what classes of persons it shall apply." This other communication is not published. Here is concealment. It is intentional or unintentional concealment? This can only be matter of conjecture, and I shall not in this place give utterance to my own conjecture, on the subject, but remark that it is useless to publish the Code for the information of those concerned, unless it is made known who are concerned.

Note 2d. On the penultimate paragraph of the preface—"Your Lordship in Council will observe, that in many parts of the Penal Code we have referred to the Code of procedure which as yet is not in existence; and hence it may possibly be supposed to be our opinion that, till the Code of procedure is framed, the Penal Code cannot come into operation. Such, however, is not our meaning; we conceive that almost the whole of the Penal Code, such as we now lay it before your Lordship, might be made law, at least in the Mofussil, without any considerable change in the existing rules of procedure. Should your Lordship in Council agree with us in this opinion, we shall be prepared to suggest those changes which it would be necessary immediately to make. "Without a very considerable change in the existing rules of procedure" some may suppose it could not be intended that the Code should apply even in the Mofussil to subjects of the crown not of Asiatic blood; but this

matter surely should be put beyond all doubt, and the persons to whom, as well as the places in which the Code shall apply, made certain with all convenient despatch. Otherwise, subjects of the crown, not of Asiatic blood, recollecting that the declared intent of this Code is to make all men equal before the law, may begin to fear that they may be suddenly deprived of trial by jury, and the benefit of the Habeas Corpus Act in the Mofussil, besides many other rights which they have hitherto considered as inalienable, by a publication in the *Government Gazette*.

Note 3. On an extract from the concluding paragraph of the preface, "We are confident that your Lordship in Council will not grudge any thing that may be necessary for the purpose of enabling the people, who are placed under your care, to know what that law is according to which they are required to live." Now, as Messrs. Macaulay, Macleod, Anderson and Millett, have made a law according to which *uncertain* persons are required to live, because for reasons which they have fully stated to his Lordship in Council in another communication, which his Lordship in Council has not communicated to the public, they have deemed it expedient to leave the places where, and persons to whom, the Code shall apply uncertain by the Code itself. I trust his Lordship in Council will not grudge immediately to make it certain in what places, and to what persons, this Code shall apply, as this knowledge is indubitably necessary "to enable the people who are placed under his care to know what that law is according to which they are required to live."

The more I consider this and similar words and all the foregoing extracts, the more I am driven to conjecture that the non-insertion in the Code of any Clause declaring in what places and to what classes of persons it shall apply, was an omission, *in pessima fide*, to do an act that ought to be done, I guess that it was not considered expedient to warn Englishmen before hand that it is intended to deprive them of trial by jury, and to impose this Code upon them in the Mofussil "without any considerable change in the existing rules of procedure."

I recollect when with some fifty other persons

I signed a petition requesting to know whether the Act No. XI. of 1836, commonly called the Black Act, intended to introduce the law of England in Mofussil Courts, and in cases purely between English suitors or not, we were informed by Government that we were to have the same law as before—this was an answer in substance though delivered in rather an oracular form, for, as between English suitors and for English suitors there was previous to 1836 no law in any Courts but the law of England, it followed there could be no other law thereafter. Encouraged by this frankness I think it would be as well if we put his Lordship in Council in mind that Messrs. Macaulay, Macleod, Anderson and Millett, who *may* have made a law for us, according to which we are required to live, are of opinion that his Lordship in Council will not grudge to let us know what that law is, or in other words will not grudge to tell us whether we Englishmen in or out of Calcutta are persons to whom it is intended the Code as it is should apply, and if not in Calcutta, then whether it is intended that it shall apply to us in the Mofussil without any considerable (*quæ* any?) change of procedure.

Calcutta, January 31, 1838.

Note 4. Ultimatum on the penultimate paragraph of the preface. This Code we find, if I may use the phraseology of another profession which is appropriate, is not paraded for inspection, merely, but comes before the public to be reviewed in marching order. It is ready for immediate action. To be sure it has no Code of procedure to move by, but it does not want one, this Code of law can proceed without a Code of procedure. In Wurtbourg in Germany, before its good Old Bishopric was secularized, and down therefore to late times, there was a man who walked a certain street from midnight till one A. M. without legs, and carrying his body under his right arm. This method of proceeding created the most dreadful alarm and the watch was never set in that street for fear of him. So we are afraid that our fellow subjects of "Asiatic birth and blood" who shall behold this Code proceeding in the Mofussil without a Code of procedure will view its progress with similar affright although the Commissioners are pleased to affirm that a much worse Code proceeded at Bombay without any dissatisfaction at all. But to leave this digression, I wish to know where the Commissioners find it set down in their commission that *they* are to make a Code? Where is their warrant for it? What authority have they to shew for prescribing a law to me according to which I am to live? What title have Messrs. Macaulay, Macleod, Anderson and Millett to shew for calling themselves my superiors or the superiors of any honest man? for, saith Blackstone, "law is a rule of conduct prescribed by a superior to an inferior." Let them shew their authority if they can,—let their friends shew for them if they can any warrant to make a Code of law. If none can be shewn (as none can) then will I make bold

to say that a more astounding piece of impudence and arrogance than this same penultimate paragraph of the preface to the Code was never advisedly penned. The 53d and 54th sections of the 3d and 4th W. 4th C. 85 contain the commission of the "India Law Commissioners" see, if they have done any one thing therein set down for them to do. This is what they are enjoined to do.

"The said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of the laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and where to any inhabitants of the said territories, whether European or others, are now subject; and the said commissioners shall from time to time make reports, in which they shall fully set forth the result of other inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said courts of justice and police establishments. Forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races, and in different parts of the said territories.

LIV. And be it enacted, that the said Commissioners shall follow such instructions with regard to the researches and inquiries to be made and the places to be visited by them, and all their transactions with reference to the objects of their commission, as they shall from time to time receive from the said Governor-General of India in Council; and they are hereby required to make to the said Governor General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor General in Council shall take into consideration the reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon to the said Court of Directors; and which said reports, together with the said opinions or resolutions, shall be laid before both Houses of Parliament in the same manner as is now by law provided concerning the rules and regulations made by the several Governments in India."

Thus have they done all that they ought not to have done, and left undone all that they ought to have done. Let it not be said that if so it is the fault of his Lordship in Council, they were but servants, and what is a servant in eastern idiom but a dog. Mr. Macaulay would disdain the defence, so, probably, would the rest. His Lordship in Council is not a Plutarch's man to guide minds of this calibre. Here we see the genius of Macaulay himself, who thought an act of indemnity a tribute to his merit, or, to use a vulgar but expressive phrase, and suitable when speaking of such a man's conceit, "a feather in his cap," and who never hesitated a moment to prescribe law to millions without authority or right. Shall we be told the Commissioners have enquired, When, how, where? What! have they *fully* enquired into the jurisdiction of *all* Courts, the rules and practice of *all* police establishments, the nature and operation of *all* laws in force throughout India, and have they made reports and suggested alterations *due regard* had to the difference of religion and the manners.

and opinions prevailing among different races? They have issued circular queries I believe to zillah judges, and enjoined and practically enforced secrecy, the sure sign of fear and the not-to-be-mistaken badge of latent fraud; and this is all they have done of which the public has the slightest knowledge or the least belief. To be sure, I forgot, that they went one morning in procession to the Petty Court to learn the practice of the law, and I have heard (though that is a pocyphal) that they went another morning in the Soona-mookey with the flood-tide to Serampore and Chandernagore, to learn with their own eyes the laws and customs of Indian France and Denmark, and returned in the afternoon with the ebb. What, again I ask, could induce Messrs. Macleod, Anderson and Millett to suppose, (we know what induced Macaulay very well, whose conceit was not far short of downright insanity,) that they were qualified to make a Code or called upon so to do, instead of making enquiries to lay the foundation of a Code? Had they ever read their commission, had they ever read their own souls? Did they think what it was to make laws for eighty millions of men and some fifty thousand freemen "without their intelligent consent?" Let them ponder on the golden maxim *E cælo descendit γυναι̃ς γαυρον*. Let them get the lines of Burns by heart in which he very wisely asks for all men that,

God may the graftie gie us  
To see ourselts as others see us.

The other day when a man told me, and gravely stuck to it, that Masters Macaulay, Macleod, Anderson and Millett had the right and the power to make laws for me and my countrymen by which I could be hanged, transported, banished for life, imprisoned simply or rigorously, and fined *sans stint* and all without trial by jury, I felt, God forgive me, greatly disposed to knock him down; but a moment's reflection altered that mood, and I began to perceive that it was really too good a joke to be angry at.

Misters Macleod, Anderson, and Millett must have made the Code because Mr. Macaulay bid them, and he must have made it from the same motive that one of Dryden's fustian heroes does some prodigiously silly action in a play.

"I'll do't to shew my greatness."

It is the keen perception of the man's empty and swollen vanity, of the absurdity of his pretensions, of his restless self-importance which would not let him remain in his place, and egged him on to undertake what was not set down for him to do, and for which he was thoroughly unfit, that makes us all relish with such uncommon zest this Code of his and his coadjutors' united wisdom. The Code is really a good joke to us. It is a standing joke, the object of all gibs and jeers, of the general scorn. It is

Feeble Ludibrium,

a thing at which we laugh till we cry, a public laughing stock, an universal jest book.

The Code makes its entrance, and Macaulay his exit amidst shouts of laughter and Catholic and consonant shrieks of derision.

Calcutta, 1st Feb. 1838. [Hurkaru, Feb. 3.

To the Editor of the Bengal Hurkaru.

SIR,—When we are employed in ascertaining the merits and demerits of any performance, it is essentially necessary to divest ourselves of every prejudice arising either from blind partiality or private rancour to the persons whose performance we criticise.

The remarks on the penal code that have daily filled the columns of the public papers, however they may have attracted notice by their untoward virulence, are the undoubted effusions of a pen dipped in the poison of malice and ill-will; and if those remarks be impartially examined by an indifferent person, they will be pronounced as made in a spirit of disappointment and baffled interest. The good that is intended to be produced in what they call a calm investigation is effaced and observed by the superabundant flow of galling animadversions that characterize their observations.

Every great performance, (which the penal code no doubt is) we are well aware, has not reached its summit of perfection at once, but arrives at it by slow advances and imperceptible gradations, and the best praise lies in the first idea and primitive scheme which is continually improving by the cares and wants of posterity, as the varying circumstances of life require. The imperfections and inconsistencies in the penal code, which some, in a fit of philanthropy, have been so busy to point out, though real, are minute and inconsiderable, if any allowance is to be made to the distracted attention of the law commissioners who have been drawn from their arduous task by the important and momentous concerns of government. Any body of men, however brilliant their respective capacities, who sit down to form a set of laws that may entirely shut up every avenue to influence and corruption, cannot be so guarded but some inconsistency or defect must intermingle with their labours. It is true that the penal code was given publicly to, that the people might freely make their comments, that any deviation from justice and sound policy might be rectified; but the severe and exacerbatng remarks are more calculated to expose the authors to derision and public scorn than effect an improvement in the code. If the law commissioners were found wanting in judgment and capacity, was it not enough merely to direct the public notice to it? but we have criticism carried beyond the bounds of justice and consistency. Some have been so uncharitable as to affirm that the curses of the people will follow the author of the penal code, and would not this affirmation lead one to suppose that the law commissioners were no others than a set of vile wretches, employed by government to make, by unjust and oppressive laws, a nation miserable and unhappy.



The general character of this nation so widely differs from those of the country, that to plan out a system of laws for it that may be altogether faultless and void of inconsistency, is beyond the power of any man or set of men; but there is lots of room for improvement, and the experience of contingent circumstances will supply what inadvertency or want of local knowledge omitted. Though the English laws comprehend so many thousands of volumes, yet the judicial functionaries are often at a loss to decide where the authority of precedence is either not to be found or is but ambiguously and imperfectly stated. The Penal Code, (with a good many exceptions, 'tis true) is, in my humble opinion, the best adapted for the use of this country; and it will be found, on practical application, that innumerable inconsistencies, doubts and inconveniences will be removed from the present system of executive justice, and that its enactments are best calculated to dispense that justice with perspicuity and precision, which is now subject to the influence of interest and corruption.

I am yours,

February 6, 1838.

A. C.

Upon the principle of "*audi alteram partem*" we have inserted A. C.'s defence of "Lucky Tom," but we do not think he takes much by his motion. Why not take on A. Z. note and discuss it?—Ed.—*Hurkaru*, Feb. 15.

Note 5. On the 16th chapter, entitled "ILLEGAL ENTRANCE INTO AND RESIDENCE WITHIN THE TERRITORIES OF THE EAST INDIA COMPANY." Territories? Territories of the East India Company? Where are they? Do they lie on the sea coast of Bohemia or north of the dominions of Prester John, or beyond the boundaries of this our orb and extra *flammanitia mania mundi*, remote from all men and hidden in illimitable space? Again I ask in more common and colloquial language, where the deuce are they? I know that I am living in Her Majesty's Indian territories, and that the code cannot take them away from her. What says the 3d and 4th. W. 4th. c. 85? Let us see—

An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian territories till the thirtieth day of April, one thousand eight hundred and fifty-four

[28th August, 1833.

Whereas by an Act passed in the fifty-third year of the reign of His Majesty King George the Third, intituled *An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges, for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter the possession and Government of the British territories in India were continued in the United Company of Merchants of England trading to the East Indies for a term therein mentioned: And whereas the said Company are entitled to or claim the Lordships and Islands of St. Helena and Bombay under grants from the Crown, and other property to a large*

*amount in value, and also certain rights and privileges not affected by the determination of the term granted by the said recited act: And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal assets and property whatsoever shall subject to the debts and liabilities now affecting the same, be placed at the disposal of parliament in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's subjects be suspended during such time as the Government of the said territories shall be confided to them; And, whereas it is expedient that the said territories now under the Government of the said Company be continued under such Government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend herein-after secured to them, and that the property of the said Company be continued in their possession and at their disposal, in trust for the Crown for the service of the said Government, and other purposes in this act mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April, one thousand, eight hundred and thirty-four, the territorial acquisition and revenues mentioned or referred to in the said act of the fifty-fourth year to His late Majesty King George the third together with the port and island of Bombay, and all other territories now in the possession and under the Government of the said Company, except the island of St. Helena, shall remain and continue under such Government until the thirtieth day of April, one thousand, eight hundred and fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandise, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St. Helena, and the stores and property thereon herein-after mentioned subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants and engagements, and all rights to fines, penalties and forfeitures, and other emoluments whatsoever, which the said Company shall be seized or possessed of, or entitled unto, on the said twenty-second day of April, one thousand, eight hundred, and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company, in trust for His Majesty, his heirs and successors, for the service of the Government of India, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the dividend on their capital stock, secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations and concerns of the said Company, as have been already made or provided by any act or acts of Parliament in that behalf, or are made or provided by this act.*

If this misnomer by which Her Majesty's Indian territories are converted into the East India Company's territories were a blunder, it would be better than it is, but, in fact, this miscalling is done on purpose, done after notice that it was wrong, done, we presume, for the purpose of making the natives believe, that they owe allegiance to the East India Company independently of the Crown, Messrs. Macaulay, Macleod, Anderson, and

Millett are mighty severe on the mendacity the law of England permit to suitors in pleading. Why, what is this miscalling? Is it not *suppressio veri suggestio falsi*? Is it not downright mendacity with no excuse? Is it not a falsehood uttered in a code of law by law-givers, "with free and intelligent consent, and with the intention to cause it to be believed, and with the knowledge that it is likely to be believed by those to whom it is addressed?" If there is no use in the lie, why not speak the truth?

It passes a jest; in former times a man would have been hanged for it. 'Tis advised writing and publishing in derogation of the supremacy and preponderance of the Crown and in denial of the authority of Parliament. At this hour (I speak advisedly and seriously) it is undoubtedly an indictable libel, and a misdemeanor. The Advocate-General might file an information against any body, might indict Macaulay, Macleod, Anderson, and Millett for a libel; for words falsely affirming that Her Majesty's Indian territories were the territories of the East India Company, for words advisedly written and published tending to impair the dignity of the Crown and authority of Parliament, and if any *mauvais plaisant* were to do it, a pretty figure they would cut. Though no lover of libel law I do think they deserve to be trounced. I would not imprison them rigorously, no, nor simply, nor even banish them for life from Her Majesty's Indian territories, whose right to them they have disputed; I would simply fine them under clause 50 of the code, and being fond of certainty, I would limit the unlimited fine to all they have respectively received by way of salary as "Indian law commissioners." That would be a reasonable discretion *meo iudicio*, a sadder aumeen might think it too little.

Note 6. On clauses 287, 288, 289 and 290 of the chapter XVI. of the code.

287. Whoever, being a subject of the King and not a native of the territories of the East India Company, on his arrival by sea in any place within the said territories, omits to make known, in writing, his name, place of destination, and object of pursuit in India, to the chief officer of customs, or other officer authorised for that purpose at the place at which such subject of the King has arrived, shall be punished with fine which may extend to one thousand rupees.

288. Whoever, being a subject of the King and not a native of the territories of the East India Company, enters the said territories by land not being legally authorised so to do, shall be punished with simple imprisonment for a term which may extend to three months, or fine which may extend to two thousand rupees, or both.

289. Whoever, being a subject of the King and not a native of the territories of the East India Company, and not having such a licence as is by law necessary to authorise such a subject of the King to reside in a certain part of the said territories, enters or resides in that part of the said territories shall be punished with simple imprisonment for a term which may extend to three months, or fine which may extend to two thousand rupees, or both.

This law-making is founded on the 81st and 84th sections of the 3d and 4th W. 4th, chap. 86. The 81st section of that act declares it lawful for any subject of the King to come to India by sea, or to proceed to and reside in any part of India under the Government of the Company on the 1st of January, 1800, without licence provided such subjects not being natives, shall make their names known in writing to the officer of customs, &c. No penalty is named in this action; but by the 84th section of the act the Government are to make laws to prevent illicit entrance or residence.

By this new code it is enacted, that every subject of the King who comes by sea to Calcutta, even without the intention of residing, shall be fined Company's rupees one thousand, or more than £100, if he omit to make known in writing, his name, place of destination and object of pursuit in India to the collector of customs. It is on his arrival mark, that every common sailor, soldier, officer and passenger is liable to be fined a hundred pounds if he omit this ceremony. Next, he is liable, if he omit it, for how long? No time is assigned, therefore, a fine of £100 attaches if he omit to do it the very first thing. *Vigilantibus non dormientibus subseruiunt leges*. What the law orders a man to do he is bound to do before his own private business. An Englishman must report himself instantly on arrival or he commits a crime, a Frenchman or an American need not report himself at all.

So we find that at the era of the creation of a philosophical and philanthropical code, it is an offence for an Englishman to come to India by land, but no offence if he come to India by sea! This must be intended indirectly for the encouragement of navigation. Readers will observe that by clause 287, an Englishman may come hither by sea unlicensed, without committing an offence; but if he stay twenty-four hours without reporting himself, in writing (although perhaps he cannot write), he commits an offence; his must be intended indirectly for the encouragement of education: they will further observe that by clause 288, such Englishman cannot come to India by land at all without special licence, for if he do, and simply enters the country, he may be imprisoned for three months and fined Rs. 2,000 or more, than £200. Readers will further observe, that by clause 289 if an Englishman simply enters any portion of India not under the Company's Government in 1800, no matter whether he knew what he was doing or not, he may be imprisoned three months and fined Rs. 2,000 or above £200. Thus if an Englishman going to Benares, to which place he may go without license, were to go to Goruckpore to see a friend he would be liable to three months' imprisonment, and 2,000 rupees fine under clause 289. Lastly, under clause 290 which I here reprint:

290. Whoever having been convicted of the offence defined in the clause last preceding, again commits the offence defined in the clause last preceding, shall be punished with banishment for life, or for any term, or with simple imprisonment for a term which may

extend to one year, to which banishment or imprisonment fine may be added.

Whoever being a subject of Her Majesty, goes a second time to Goruckpore without license, having been convicted of going thither a first time, may be banished for life, and fined without limit, say twice the value of all he is worth in the world. Sourvy entertainment this for Englishmen in the territories of the East India Company, scant hospitality.

Now, does an Englishman coming to India by sea and not reporting himself to the collector of customs do any injury to society at large or to any human being? Common sense says, no: the act of Parliament says, *none*: the new philanthropic, just, *equal*, and liberal code says a hundred pounds worth of damage is done to society if he comes by sea without reporting himself, and that if he comes by land without a license in his pocket, *two* hundred pounds worth of mischief is done at once. Nice discrimination and humane apportionment of punishment to offence are here!

But let us proceed onwards, and out of their own acts convict these codifiers of ignorance, absurdity, and self-contradiction, almost beyond belief. Behold Act No. IV. of 1837.

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of His Majesty to acquire and hold in perpetuity or for any term of years property in land or in any emoluments issuing out of land in any part of the territories of the East India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories, shall extend to all persons who shall under the authority of this act, acquire or hold such property.

Thus an Englishman may hold land in Goruckpore without a licence by this act, but if he *enter* the zillah to see his land, he may be fined and imprisoned under clause 289, and if he blunder into another zillah, not the Company's in 1800, after being once trounced, he could be banished for life, and fined his whole estate, and double.

Now this Act No. IV. of 1837 is dated the 17th of April of that year, and the preface of Messrs. Macaulay, Macleod, Anderson and Millett is dated the 14th October, 1837, so that the code if passed into law with the 16th chapter in it, will be a virtual of Act No. IV. of 1837, and of the 83d section of the charter act on which it is founded.

LXXXIII. Provided always, and be it enacted, that it shall be lawful for the said Governor-General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said territories open to all His Majesty's natural-born subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born subjects to proceed to, or reside in, or pass through any place or places declared open without any license whatever.

New Mr. Macaulay and his coadjutants counter-march the march of mind, and reduce us from free ingress, egress and regress, to prohibitions and licences. Every effect has

its adequate and suffering cause, and I conclude Act No. IV. of 1837 was passed as usual by Macaulay, and the Government in contempt of the charter, and without the previous sanction of the Court of Directors necessary by the 83d section, and they have been smartly chidden for it. That is the only way by which I can make sense of the evidence of Mr. Peacock, which I am about to quote, given in his answer No. 783 before the Steam Committee. Without this solution it would remain a riddle, but I believe I am the true *Œlipus*. Defunct Mr. James Mill, Proto Bureau-cratch of the East India House, a King of Kings and ruler of Governors, and much more illiberal than the Directors themselves, having better reasons for it, "conceived that it was not the Englishman that needed protection in India." Mr. Macaulay was of opinion in 1833 that "it was not to be endured that the Englishman in India should breathe and move about in a little atmosphere of liberty of his own. Mr. Thomas Love Peacock, Proto Bureau-cratch in the place of defunct Mill, is of opinion in 1837, that the free resort of Englishmen will have a bad effect on the morals and domestic happiness of the people of India. The Directors (moral men) can't abide steam. Thus Macaulay who in 1836, by the Black Act might reasonably enough have thought he had done enough for India home policy, is taught, in 1837, that he had not done near enough, and yet had done a great deal too much, and so he solemnly recants Act No. IV. of 1837, by the 16th Chapter of his perennial code. Peacock's evidence is too good to be omitted, so I put it here, for it hath a concatenation with my subject, and the Code chapter XVI.

Mr. Young.] But do you not think that the intercourse, both personal and commercial, is likely to be extended into the two countries in proportion as you diminish the difficulties of communication? Certainly.

And must it not be a general benefit to India that the intercourse between the mother country and those distant possessions should be facilitated?—I am not sure that it would be any benefit to the people of India to send Europeans amongst them.

That would apply to an extension of European intercourse in India?—Yes, the general question was whether the access of Europeans to India would not be an advantage to India; I do not think it would.

Chairman.] But do not you think that a consequence of this regular and speedy and convenient communication will be the resort of a great number of Europeans to India?—Yes, I do certainly; and I think the motive of passing through countries that are interesting from their antiquities, would be a motive for people to go in that line.

But you think a greater number of Europeans will go to India in consequence?—Yes, I think so.

Do you think that will have a good or a bad effect?—In what way? On the morals and domestic happiness of the people of India? I should say, a bad one.

May I ask why?—Why, I think whenever they have come into contact with Europeans not under the control of the East India Company, they have been oppressed and ill-treated.

You have reference, I suppose, to indigo planters?—Not without exception; but that is my general impression.

And settlers?—Yes.

Mr. Young.] Must not that have arisen from the want of paternal superintendence on the part of the government of India over the interests of the population of the country?—No, it has arisen from the government not having sufficient civil power, judicial power, to control the European settlers.

Would not the obvious remedy for such an evil be a little extension of the civil power to that government?

Certainly: but that is objected to as soon as it is done.

Then your notion is founded on the supposition that the Parliament of Great Britain would not give to the government of India such power as was requisite to protect the population of India from the oppression of the Europeans?—The Parliament of England has given the government of India unlimited power in the way of making laws, which laws are totally rescinded by the highest authorities. The government of India have made a law having for its express object the protection of the natives of India against European settlers. That law is subject to very great objection among the European community of the presidencies.

But if the government of India persists in considering that it is a paramount duty to protect the population of India from the oppressions of the Europeans, do you not think it possesses the power of doing so?—Yes, I do, but I am more afraid of deference to popular clamour than I am of any thing under heaven.

Mr. Bagshaw.] There is one question about the civil power that you say the East India Company wield at present against the European settlers there; is not that civil law administered in a language totally unknown to the European population generally?—It need not be; I think it has been, but I take for granted that a part of the new law will be to administer it in an intelligible language.

What is that law, Mahomedan or Hindoo?—The law of the Company is what is called the law of equity and good conscience; but they administer the law to Mahomedans according to the Mahomedan law; to the Hindoos according to the Hindoo law; and of course, to Europeans according to English law; but it will be the Company's judges' construction of the English law; it will not be an English lawyer's construction of the law, but it will be the India Company's judges' construction, according to equity and good conscience, of what way the law is applicable to Europeans in India.

But are these judges bread up to the English law; do they understand from education the English law?—No; they know nothing of the law.

Chairman.] I presume there would be a code?—It is intended to make a code, and one principle of the legislative council was to make a civil code; but they have not advanced one step in their labours.

Mr. Bagshaw.] Are not some of the judges in the interior of India both Mahomedans and Hindoos?—Yes; sudder aumeens and moonsiffs.

Do these men generally understand the English language?—Many of them do.

But none of them understand the English law?—No, of course not, nor the Company's judges either.

Now as Peacock is the very reverse of a fool, I know exactly what he is.

That touch concerning the mischief the keeping our profane company will do to the morals and domestic happiness of the good people of India, shows, that he has taken all degrees and is a past-master of his craft. This is a pearl of humbugs, a fellow who must have a forty

mountain bank dower of face, and who could turn Rabelais into a breviary.

To sum up, the acts prohibited in this chapter are innocent, therefore the prohibitions of the law are the reverse. The distinctions between entrance into India by land and sea are utterly irrational, and made more ridiculous by distinctions in the penalties. The penalties are exorbitant and cruel where certain and defined. The exorbitance and cruelty are enhanced in clause 290, by uncertainty and want of definition. The law is unequal, for it is criminal in an *Englishman*, subject of the Queen, not of Asiatic birth, to do an innocent act, which is not made criminal in any other human being to do. I shall conclude my note in the words of the writer of the preface, slightly modified:—"If this code shall be law, I have said enough to shew that it will be owing not at all to the law, but solely to the discretion and humanity of the judges, if great cruelty and injustice be not daily perpetrated on *Englishmen* in the native course of India."—*Hurkaru, February 17.*

The gentleman who conducts the department of legislation and philosophy in the *Agra Ukhbar*, filled with melancholy at finding that the services of "the grand architect of the code" (Mr. Cameron) have been noticed by his assistants with meagre acknowledgment, comes forward in the character of orator of the human race to do honor to the master-mind of that legislator which has "solely imparted to the code the Bentham spirit throughout." In the opinion of the *Agra Ukhbar*, the penal code (of which the writer had read the preface) is "a legislative measure worthy of its authors and the age, and will place India, in one respect, on a level with the civilized nations of the earth." As the code is a measure worthy of its authors in the opinion of our contemporary, it is worth while to see what degree of worth in his opinion, its authors possess. We find by the same high authority, that Mr. Macaulay is "vain, self-sufficient, dishonest, for undertaking a duty of incalculable importance, without previous qualification or attempt at qualification for his task," dishonest, for "devoting his mind afterwards principally to other pursuits more gratifying to his vanity, because the success was not shared with others," dishonest, for "abandoning his task after having acquired much of the knowledge that might qualify him for the due performance of a duty for which he had been so long retained at an exorbitant expense," and dishonest, for "leaving to Mr. Cameron the hard labour of finding both arguments and views for a new set of colleagues." So much for the opinion of the *Agra Ukhbar* of one of the authors of which the code is worthy. Mr. Macleod, according to the *Agra Ukhbar*, was unenlightened though candid Mr. Anderson was obdurate, ignorant, dogged. And the four commissioners, namely, Macaulay, Macleod, Anderson and Millett, who signed

the prefatory letter, are "ungrateful and contemptible" for taking no notice of the immortal Bentham and but little of Mr. Cameron; but "the code is worthy of its authors and the age."

The writer in the *Agra Ukkbar* is a hierophant of the mystery of pure reason: he "*ad dresses himself on this comprehensive question to the purest reason of his readers,*" and, in order to convince those who are in error at Calcutta, he uses the bland persuasives following: The Calcutta newspapers and critics are "ignorant, intreated, narrow, prejudiced, bigoted, bawlers: they are wilful perverters of principles, falsifiers, impudent, uncandid, panders to ignorance, prejudice, and the interests of a few." This ought to be very convincing, for it is the style of the "*purest reason,*" and not a syllable has been set down by us which is not written in the article of the *Agra Ukkbar*. The writings we now and then see in this paper, doubtless by the same eminent hand, are all in the same strain of pure modesty, and, we should think, the gentleman not a little resembles the French Dutchess who told Madame de Stael in all confidence, and as a great secret, that the longer she lived, the more certain she became that there was but one person in the world who was always in the right, and that was herself.

We have read the long article in the *Agra Ukkbar* with the reverence due to its pretensions, but after much cogitation and many perusals, we are compelled to confess our total inability to comprehend what the real drift of it is, so far as concerns the Code itself, of which the writer had only read the preface. We can understand clearly enough that he means to praise the immortal Jeremy Bentham, also the great architect and master-mind (subauditor Mr. Cameron) and to abuse the rest of the law commissioners, the Calcutta lawyers, the Calcutta press, and the Calcutta public; but, beyond this, we cannot see our way, and the purest reason of Agra seems to our, perhaps jaundiced, mental vision, very like pure rigmorale at Calcutta, and to have nothing comprehensible about it, but that the writer thinks that Mr. Cameron was jealous of his colleagues, and his colleagues of him, and Agra is jealous of Calcutta.

"To Mr. Macaulay is entitled the praise (Pure reason loquitur) of being an efficient disciple, for much of the explanatory part of the code originated in the difficulties and doubts that arose in his own mind in the progress of conversion such as the MASTER-MIND (Cameron) had not anticipated, and may, therefore be eminently useful to those who have still to learn first principles." Whatever may be the profundity of the Agra philosophers acquaintance with the first principles of philosophical legislation, it is evident, that his abstruser meditations have made him forget the first principles of grammar; for never can we with propriety speak thus—To the philosopher who writes in the *Agra Ukkbar*, is entitled the praise of being an efficient disciple of Priscian.

We cannot answer what is incomprehensible, but what we can understand in the article of the *Agra Ukkbar* we can answer easily enough. He says, the spirit of Bentham pervades this code throughout, imparted by Mr. Cameron: we join issue with him, as the lawyers, say on this point, we deny it flatly. Jeremy Bentham would have despised the code; he would have treated it as a ridiculous fallacy throughout; because it was based on false pretences and usurpation. The first thing requisite, Jeremy Bentham would have said, in all good lawmaking is, that it should be by the free and intelligent consent of the people; that they should make the law, in short, themselves. He would have made right merry with the virtual representation which the people of India, and Englishmen here, enjoy in the Commons House of Parliament. He would have played the devil by his exhaustive analytical method with that grand fallacy of Macaulay's, the "*partial*" despotism which is the worst of all evils." He would have scouted the hypocrisy which professes to make men happy by levelling the few who are free to the level of the many who are not; he would have exposed with unsparing hand the delusion which leads men to suppose, that with a patronage-service and its supplementary machinery, any code can be worked as it ought to be for the well-being of the governed. Bentham's was a mind that would have disdained all compromise between the right and such miserable expediency. He would have called upon the Company to disburse more than the salaries of the law commissioners for the sake of justice, and have cut up root and branch the Company's judicial system in a very different fashion from the reformations of Sir Thomas Munro or Lord William Bentinck.

But without dwelling on what a MASTER-MIND secondary or primary, would have done, any mind can perceive that the makers of the code have usurped authority and have made a code, when they were only employed to enquire how a code ought to be made. That is not piece-meal criticism but goes to foundations. Any man can also perceive, if he will take the requisite trouble to enquire, that this code has a political tendency, a bias in favor of absolute power, not at all extraordinary, considering its origin, and that the chapter of "offences against the state," abolishes the free expression of opinion, if the code be worked by the machinery that its framers have provided for it, for they intend it to be worked in the mofussil without any code of procedure. Any man can perceive besides, that by the 16th chapter, there is a distinction made to the disadvantage of the most enlightened class for the advantage of the corporation which governs, and most burdensome and absurd penalties imposed for no reason at all on Englishmen who shall resort to India. All these things emanate from motives which are as much like the principles of Bentham, as the articles of the *Agra Ukkbar* resembles pure reason. The *Agra*

*Ukhbar* has, as usual, imputed to the Calcutta lawyers all manner of petty and interested motives. A thorough want of acquaintance of the real direction which the interest of lawyers would lead them to take in all public Indian discussions is excusable in the *Agra Ukhbar*, but the want of knowledge ought to make a professor of pure reason hesitate before he attacks, on the same grounds, a body, among whom with general liberality, most varying opinions exist. In truth, the interests of this body must tend to make it subservient to the Company and local government. The lawyers of Calcutta, by which the *Agra Ukhbar* means the advocates only of the Supreme Court, are less than twenty in number. The three appointments on the bench are in the gift of the President of the Board of Control: the two next best at the bar those of advocate general and standing counsel in the sole gift of the Company. All the appointments of officers of court, five or six of which are held by the bar, are in the gift of the judges, and strongly pronounced political opinions, if they operated at all, would operate as a disqualification for such appointments. Besides this, there are appointments in the gift of the local government, such as magistracies of police and places in the Court of Requests, for which some of the bar are occasional candidates, and, we presume, they would not think to qualify by professing openly opinions at variance with the course of the government policy. Not a single officer of the Supreme Court is now paid by fees on business done, except the interpreters for translations, and every one of them is paid by salary from government, except the Registrar, who is paid by commission on administrations, so that it would puzzle the most acute discoverer of the tendencies of self-interest to point to a single possibility by which the interests of these individuals could be in opposition to the code or the ordinary measures of government. In reality their interests are quite as much in the power of the local government as those of the civil service, and if, in fact, these men are more in opposition to the policy of the government on such questions as the black act and the code, the causes lie elsewhere, and when sifted will be found not at all to their discredit. The *Agra Ukhbar*, however, makes a great mistake if he supposes, that by the civil service, the free settler, or the educated native, the code in its present form is esteemed to be a production of enlightened wisdom. The opinions of men are pretty well agreed that a better code could have been made in Lincoln's Inn at a tithe of the expense: that it was made without authority; that it was made without due enquiry and without the aid of the immense body of local knowledge and experience that ought to have aided in the work; that its policy towards Englishmen not in the service is unjust: that its general political tendency is to extinguish the liberty of the press, and to give to the executive government an arbitrary power of interpretation and action.

This is not piece-meal criticism, but a summary of general and fundamental objections, which we invite our contemporary to examine and refute if he can. We request him to consider that the immortal Bentham would have begun his code with a definition of rights and of the things permitted as well as of the things forbidden. In this code there is an omission at the outset of all definition of rights of the governed, which we can very easily account for, but not to the credit of the legislators. When we hear of offences against the state and their penalties, should we not also hear something of the duties of the state towards the governed. *Is that chapter to be left unwritten, as the common laws of India?—Hurkaru, Feb. 26.*

The enlightened practice adopted by the legislature, of laying before the public drafts of all laws before enactment, is not we presume intended to be a mere form, but followed with the view of obtaining the opinion and suggestions of the public on their labours. In this light the practice becomes an invaluable privilege to the public, but from the use made of it by some of the organs of that body, it is, we fear, in danger of being considerably weakened. The organs we allude to are the Calcutta papers, which whenever an important legislative measure becomes the subject of discussion, view it, not as affecting a large country and an extensive population, but in relation to their own and local interests. Thus they opposed the so called Black Act, a measure of common justice to the country at large and based on acknowledged principle of law, but which might, at the same time, have diverted a small portion of business and a smaller portion of fees from Calcutta. Such a course naturally lowers the character of the Calcutta Press and weakens the privilege conferred on them by the legislature, which, if converted to a proper use would be a useful and important one. The Penal Code now under discussion exemplifies further the narrowness of views with which the Calcutta Press regard all attempts at sweeping away the old leaven of abuse and misgovernment, and substituting a uniform and philosophical system of law. The interests of its members (with an exception or two perhaps) may not indeed be much affected by the provisions of a new Penal Code, but prejudice and bigotted attachment to an old one, can equally narrow the views and warp the judgment. They will not try the labours of the Law Commission by the standard of enlightened modern principles, but by the old mischievous absurdity, that has retarded the progress of the human race more and wrought greater injury on it, than all the ills we are heirs to. They seem to forget too that the Law Commission was not appointed solely for making laws for Calcutta and a few thousand Europeans but for a population of many millions, differing in creed, language and customs; a law justly applicable to which must be based on principles derived from the contemplation of man

generally, and not on those of Coke upon *Lyttleton*, or the practice of the courts at Westminster. Such being the views and such the mode of treating these subjects, of the Calcutta Press; its bawling will not easily be mistaken. The Penal Code as far as it is before us, is legislative measure worthy of its authors and the age, and will place India in one respect on a level with the most civilized nations of the earth. It has certainly many blemishes clearly traceable to the desire of the commission to produce a code as comprehensive and complete as they could, but these we must hope will disappear before it becomes law. Until it is before the public in its entire form, it is only susceptible of piece-meal criticism, which can only detect secondary errors. Of it as a whole we can only judge when we have seen it as such, but if the sketch given of it in the address to Lord Auckland be borne out it will be a splendid triumph of Indian legislation, as the first practical fruits of Bentham's philosophy of that science. Its merits and the defects, the latter most liberally, are we see given to Mr. Macauley; but the Bentham spirit throughout has, we believe, been imparted to it solely by Mr. Cameron, who in all matters of jurisprudence holds the highest character for talent, enlightened views and humanity. To him fell the heavy task to conquer the self-sufficiency of Mr. Macauley and the unenlightened but candid and sensible hesitation of non-opposition of Mr. Macleod, and the obdurate ignorance and doggedness of the Bombay member, Mr. Anderson. To Mr. Macauley, however, we believe is entitled the praise of being an efficient disciple, for much of the explanatory part of the code originated in the difficulties and doubts that arose in his own mind in the progress or conversion such as the master-mind might not have anticipated, and may therefore be eminently useful to those who have still to learn first principles. It is melancholy then to see the services of the grand architect, whose work may have in some degree marred, scarcely mended by his assistants, passed over with such a meagre acknowledgement, as that in which the ill-health that drove Mr. Cameron to the Cape is alluded to. But worse than this, because ungrateful and contemptible is the total absence of any allusion to the immortal name of Bentham in the whole course of the address. If the worship of such men as Dumont, Mill and Bowring be no test of the claim of that great man to be classed with Bacon and Newton as the founder of true philosophy in a particular department, what is to be said of him who denies the master that Romilly followed with the zeal of a martyr, that Bickerseth with all his legal acumen is proud to acknowledge as his guide and instructor, and to whom Brougham amidst his most bitter and uncandid sneers, attributed the glory of being the first man who erected legislation into a science. There is some honesty, but little enough, in the notice of Livingstone, who single handed drafted for Louisiana the best code that has hitherto appeared, at an

expense perhaps of as many cents, as the Indian code has cost rupees, and in a short time, amidst professional avocations and interruptions from ill-health Mr. Macauley possesses abilities of a high order, but we must hesitate to award him a character for honesty who undertakes a duty of incalculable importance, without previous qualification or attempt as qualification for his task, and who afterwards devotes his mind *principally* to other pursuits, the success of which may be more gratifying to his vanity, because not shared with others. His review of Montague's life of Bacon is with a few light shades here and there, very bright production, but its elaboration must have cost much toil, that ought to have been applied to a different object. But the worst part of his conduct is abandoning his task after he has acquired much of the knowledge that might qualify him for the due performance of a duty for which he has been so long retained at an exorbitant expense to the public, leaving Mr. Cameron the hard labour of finding both arguments and views for a new set of colleagues.

The same spirit which pervaded the whole discussion on the so called Black Act, is seen in the comments on and analysis of the present code, the same wilful perversion of the subject and on the same hope of raising a prejudice against principles, which it was of the utmost importance the public should estimate fairly. From the published extracts the code appears to attach punishment in the combined ratio of the actual mischief arising from breach of the law and the degree of mischief intended. No moralist has ever questioned, that a system of Penal Law that truly followed out that principle would be perfect, yet no one by whom the power was possessed, has ever yet modelled a single legislative act on that basis. The crimes of the insane are indeed treated with some regard to it; and there are some other cases in which the spirit of vindictive legislation has been modified by an apparently obscure perception of the principle in question. The writers in the Calcutta papers have selected the case of bigamy as one well adapted to the purpose of working on ignorant prejudice, that may not stop to compare their comment with the text. Bigamy as a crime is the creation of the positive law of a small portion of the world. It was not the law of the Jews nor of Christians as such, if we admit the authority of Luther, Melancthon, Zuinglius, Milton and many able modern ecclesiastics, nor is it amongst the immense mass of mankind out of the pale of Christianity. It is then a duty of the framers of a new code of criminal law for men of all the various descriptions of religion and manners that are found within the British dominions in India, to inquire into the essence of the crime of bigamy; to consider in what cases bigamy would be stained with the moral guilt of wilful injury, whether the law was actual with regard to it or not. That essence obviously consists in the fraudulent breach of contract

generally involved in the thing. If there be no fraudulent breach of contract in the matter, there is no subject matter for penal legislation. The offence resolves itself into one *contra bonos mores*, and it is the business of that section of the community, that regard it as such, to mark their disapprobation in the usual mode—refusing the parties concerned their countenance, and the qualification of social intercourse. One writer falsifies the spirit of the text by playing on the term society, as if the word used were the term “community.” The social feelings and relations of a particular class may be injuriously affected in a thousand ways, in which the community at large felt no sort of sympathy with that particular section and from which no individual member of it has to apprehend any present harm. The conversion of a Christian to Moohumodism, and his adoption of native dress and manners, would be “dreadful” in the eyes of one part of the community, shocking and scandalous in the sight of another, pitiable in a third, and highly to be landed in the opinion of those of the party he had joined. It would have savoured of the folly of existing codes if those who were legislating for India were to persist in making it criminal for one man to do what another in precisely the same circumstances as to mischievous effect may do consistently with law and usage. But however we reprobate the views and reasoning of the critic, we do not approve of the law altogether. As connected with bigamy, it appears to us that even in the case of collusion betwixt the husband and second wife, there may be third parties concerned, whose civil rights may be exposed to danger from the fraud on society. If there be children by the lawful wife, the regular celebration of an unlawful marriage ceremony may throw obstacles in the way of their obtaining their rights as the legitimate offspring of their father, that they would not experience, but for the *prima facie* evidence offered by the public record of the spurious marriage. It often happens that a relation leaves a rich inheritance to a person for life, with reversion to his *legitimate* issue. By the act of bigamy the legitimate children would be put in peril of losing a portion at least, if not the whole of their just inheritance. The fraud, therefore, being in such a case fraught with danger to other parties ought, on THAT account to be brought within the Penal Code. Again the first, and lawful wife is positively injured by having to share with another the rights which law and reason recognize as hers, and on which an avowed concubinage would not infringe to the same extent as the having another wife: such as the right to maintenance in a certain status of society according to her own original circumstances and her husband’s means. The text of one critic is, that a person ought not to be subject to the penalty, for wilfully breaking the law on account of an act which he in *good faith* believed himself to be *commanded to do* by the law. It would be too monstrous to

maintain at the present day, the opposite doctrine, that a man ought to be punished for acting in *obedience* as he honestly though erroneously believed, to the injunctions of the law, and the critic, therefore, put the case of a party who of his *own accord* violates public order under ignorance that such violation has been positively prohibited. No doubt a man who spontaneously does mischief with mischievous intent, has but small claims to consideration from the mere circumstance of ignorance of the penalty attached by law to his act. It is true that the class of lawyers who blindly take up the maxims of the Roman law, the “*imitatarum servile pecus*” have been generally aware of the distinction between an *unlawful* act done with a lawful *intention*, and one committed with an intention expressly criminal but done in *ignorance* of the law. D’Aguesseau who knew what was *law*, but whom no one ever quotes as an expounder of the *principles of legislation* carries the absurdity of the whole doctrine to a climax in the 7th clause quoted from him when he lays it down as a necessary consequence of its admission, that *ignorance* of public orders ought always to be punished! If ignorance be a crime who so guilty as those who force the world to its perpetual commission by withholding the required knowledge from the mass? On this point it will be observed, that it is not any act that is here proposed as a fit subject of penal legislation, but a certain state of the mind in respect to the extent of its acquisitions. It is such absurdity as this from which common sense revolts but which lawyers cherish as the bigot in religion does his own fancied revelations of the Divine will that is put forth in opposition to the clear and sound principles of which Paley and Priestley had a glimpse, and which were first systematized by Bentham. Of a piece with the foregoing specimen of misrepresentation and false reasoning, but more impudent still, is the statement wherein the writer classes “impudent pretenders and quacks with honest men,” and having so classed them finds no difficulty in “giving them a salvo of impunity for destroying hundreds, nay thousands of their fellow-citizens under the provision of the code, that exempts from punishment, the performers of acts done with consent of the eventually injured party, in cases where no injurious consequences were intended or apprehended by either party. We would expect to find in the code itself as an exception to this case of impunity that in which the act done is in violation of an express law known to the *doer of the thing*. But for the present we cannot enter into further or more detailed exposition of the views, the false reasoning, the piece meal-criticism of the Calcutta editors and their correspondents; they all savour of the same uncandid spirit throughout. In minor matters, passion, prejudice or individual feeling may be allowed without much condemnation to influence an editor, but such matter as this should have been met fairly, and with a determination to be influenced by no contracted views or bias. Here was presented an occasion for a talented and well-



informed or even an honest editor, to dissipate many of the mists of popular ignorance regarding principles of vital importance to all: for there is no one whose life and property are not hazarded while he lives under the administration of laws founded on false principles, and already condemned by a body of intelligent lawyers as radically vicious; and who is not equally interested in the soundness of the principles on which that code, which is to replace the old is founded. In England there is unfortunately such a mass of popular, ignorant, and bigotted as well as interested opposition to be overcome before any administration can carry a measure of enlightened legislation, that the labours of the Parliamentary Law Commission have hitherto proved fruitless. Neither are the high or low vulgar prepared, or they are not willing to understand the reasonings, on which the proposed reforms are founded. In this country, the community to which an editor addresses himself is composed of more penetrable stuff, less steeped in prejudice, less drawn aside by interest in attaching itself to abuses as they are, than that whose regards an editor at home must consult, if he values (as few there are who do not) above all things the circulation of his paper. But in this country, we may on such comprehensive questions as this, address ourselves to the purest reason of our readers, unless, as in the case of the Calcutta Press, we prefer pondering to ignorance, prejudice, and the interests of a few, to which is opposed that of the country at large. If Cameron's code be adopted for India, (with of course a few amendments) it will infallibly lead to the reform of that mischievous mass of inconsistency, uncertainty and absurdity, that though constantly deprecated in its details by every organ of the public voice, is held up by trading lawyers, and admitted upon their dictum by the people at large, to be the perfection of reason the admiration of the world!—*Agra Ukhbar*, February 10.—*Hurkau*, Feb. 26.

The observations of the *Agra Ukhbar* on the code, though the writer went very unnecessarily out of his way to scatter blame, not to say abuse, on those who differ from him, do, after all, afford indications of talent; and we believe that our cotemporary some day or other, when improved by experience and ripened in candour, will do the public good service. In the hope of meeting with what is rare enough in public or private, a person capable of being convinced, we write for his especial benefit, as well for that of the public at large, an article on his text of the Black Act. The public recollections of it in the farthest require to be refreshed a little.

The *Agra Ukhbar* is pleased to say, that it was an act of but common justice to the public of India at large. We trust that we shall shew without any chance of successful reply, that it was an act of peculiar injustice to Englishmen in India, an injury to all men, and

an act of uncommon folly in a Government ordinarily well-informed and enlightened.

The Black Act originated in an accident. Mr. Watson, an indigo and silk factor in the districts of Rajshye and Moorsshedabad, having many advances to make to *pykars* and other natives engaged in the produce of raw silk, wished to be able to sue these people for breaches of contract in the courts of the moonsiffs that were near his factories. In order to compass this end, he waited upon Mr. Macaulay, accompanied by a leading merchant and agent, and the legislator immediately said that there was no good reason why this desired end should not be obtained, it seemed very reasonable, and so in truth it was; but we shall see by the sequel, that after all it was not really obtained.

At that date it was quite settled, that by the provisions of the 107th section of the charter of 1813, (53d Geo. 3d c. 155) any Englishman could sue a native, and any native could sue an Englishman in the mofussil zillah courts, but the latter only could appeal to the King's Supreme Courts. No one then contended, and no one has ever since contended, (and this our philosophical contemporary will do well to bear in mind,) that this was a good state of law. There were two systems of courts and two modes of judicature then as now in force, and no one has ever contended that was good, but by the Black Act there was no attempt to amend this last evil. Before the Black Act, if the native were cast in a zillah court, he could not appeal to the Supreme Court any more than the Englishman to the Sudder Dewanny Adawlut, neither had any choice in the matter. No one ever contended this was good.

In this state of things, Mr. Macaulay being asked to legislate for a special defect, because the charter of 1813 had not provided that Englishmen should be sued in moonsiffs' courts, for the very sufficient reason that such courts were not then in existence, passed Act No. XI. of 1836, commonly called the Black Act.

The substance of this act is, that no person whatever shall, by reason of birth or descent, be exempt in any civil suit whatsoever from the jurisdiction of the courts specified in the act. The courts of moonsiffs are not specified, and the act only provides for civil suits, therefore Englishmen remain, as before, exempt from all criminal jurisdiction of moonsiffs' courts, and exempt from all criminal jurisdiction of the mofussil courts of magistrates, except the very limited and special jurisdiction to be exercised within the terms of the 105th section of the charter of 1813, by which the Company's judges can exercise none as magistrates but only as justices of the peace.

The Black Act therefore, if it were an act of common justice to the public of India at large, as the *Agra Ukhbar* has been pleased to term it, so calling if we apprehend humbly in the most deep ignorance of its real nature and operation, was an act very unequally and partially conceived for the ends of common

justice, and very imperfectly capable, even as far as it went, of being carried into effect. The only effect it had was to cut off appeals to the Supreme Court in all cases and from all mofussil courts, in which Englishmen could be sued. It left them exempt from moonsiffs' courts as defendants, and it was left an uncertain question whether they could sue therein as plaintiffs. In all other cases and before all other mofussil courts, they could sue and be sued, but even in cases purely between English plaintiffs and defendants, and involving purely points of English law, such as the validity of marriages and wills, succession to real and personal property, contracts by the European law merchants, &c. the appeal to the Supreme court was cut off and the proceedings were to be conducted from first to last in a language, to which, in the cases last supposed, both parties were probable strangers, and before judges of the first instance in many cases utterly ignorant both of the law and language of the litigants, and with no establishment or assistance of any kind to supply them with the requisite knowledge. The *Agra Ukkbar* deems this result to be a triumph of philosophy in practice and applied to the science of legislation. Were on the contrary, know it to be one of those triumphs for which the victors are sorry and of which we believe they are ashamed. The Black Act after all, with the present constitution of mofussil courts, cannot be fully executed either in spirit or letter, and this its authors before they finally passed it, began to perceive very well: at least Mr. Macaulay, and we believe some others knew it, but it was persevered in upon the point of honour. A great Government could not recede before objectors and so must persevere in being in the wrong rather than confess and amend.

If any body will take the trouble to refer to the petitions to Parliament, and to the proceedings of the Calcutta meeting respecting this Black Act, he will see that no exemption from local and primary jurisdiction, in cases of a mixed nature, that is cases in which an Englishman was plaintiff or defendant on one side and a native on the other, was ever claimed or desired, nor in such cases was an exclusive appeal to the Supreme Courts of the Crown ever claimed or desired. The contrary assertion is a downright falsehood, of which deliberate affirmation we also pray the *Agra Ukkbar* to take note and disprove it if he can—the petitions speak for themselves, *litera scripta manet*. We shall pause for his answer as also for any explanation his philosophy can afford of the curious assertion, that the Black Act was an act of common justice to the people of India at large. The *Agra Ukkbar* will be good enough to bear in mind that, before the Black Act, Englishmen could sue and be sued in civil suits alone in every court of India of a primary jurisdiction except moonsiffs' courts, and that the law is still precisely in the same condition; or if Englishmen can sue in moonsiffs' courts, (which we deny that they law-

fully can) it is quite certain they cannot therein be lawfully sued, which would soon be decided if they chose to dispute the jurisdiction.

When the draft of the Black Act was published for *general information*, it was published at so short a notice that half India, though the whole was concerned, could have no possible notice of the matter, and we beg to be understood now as speaking only of those classes that ever do take notice of such measures. As far as Calcutta was concerned, a temperate and sufficiently respectful remonstrance was presented in the first instance against the measure. In this petition a mistake was committed, for the petitioners fell into the error of supposing that the Black Act subjected British subjects in the mofussil to the criminal jurisdiction of the Company's courts, and the Mahomedan and Regulation criminal law, which it does not, and which in point of fact no lawful power that the local Government possesses or ever can possess could do. The Government very properly pointed out and refuted this error, but in every other respect the answer was a specimen of official impertinence in a state of effervescent exultation at a small victory over the presumption of objectors. A second petition drawn and signed by different persons founded on serious doubts (arising from the language of the regulations), as to what system of civil law the mofussil courts were to administer or could administer thereafter in cases purely between British subjects, respectfully asked, what law in cases where such litigants only were concerned, and in cases in which the validity of their marriages, and of their wills, the succession to their moveable or immoveable property when intestacy happened, or when their mercantile contracts were in question, was to be looked up to by them as their guide in the mofussil, and was to be administered to them by the local courts specified in Act No. XI. of 1836? To this question the Government, with a singular littleness, replied, "The same law as before." The questioners were answered; they saw very well that the English law was to be administered, but that the Government were ashamed and afraid to say so plainly and directly, because they would have come to petition to exempt the class of cases we have referred to, namely, those exclusively relating to British subjects, or to improve the constitution of the mofussil courts so as to enable them to understand and administer English law. The petitioners conceived that it was better after a reply couched in such a phrase, to leave the Government to pursue its own course and to seek redress elsewhere. The impertinence of the reply was not forgotten by some of the leaders of the opposition to this measure, and never will be forgotten. It gave an advantage not slow to be seized, and those who penned and concurred in this reply, have, we believe, felt before this time that official insolence, like all other, is the parent of dislike

and contempt, and evokes the unfailing Nemesis who avenges us on the caprices of power in small things as in great. Mr. Macaulay and the Government, by adopting his style, not only denied, but insulted remonstrants exercising a lawful privilege in a temperate manner; he had coadjutors who escaped by their comparative personal insignificance; (for men in serious things take small account of Right Honourables or Honourable Esquires) but he, who was conspicuous among the little great, was repaid by the public in his own coin, and with both hands, and full, though not exuberant measure. His friends must admit as a *fact* (though they may cavil at will about causes) that by this and similar acts he forfeited the respect, the good-will and the good word of those to whom he owed much duty, and among others weightier by far, the very light one of common courtesy. The recollections he must carry with him across the globe are not enviable, they will remain with others, and if he can cast them aside, he will only throw away a lesson upon which a wiser man would meditate.

As at the time the Black Act was proposed, the evils of a double and conflicting system of law and jurisdiction existed, so they do now, in their fullest force; there was not the smallest intention of removing these evils nor were they in any degree removed; nor were they simply left as before, they were in truth aggravated, and as a LAWYER told Mr. Macaulay, and he might have heeded the word for it was true, that act only worse confounded confusion. The Government at that period had the choice of several courses. Firstly, to persevere in passing the act as originally drafted, leaving uncorrected what was really an imperfection in any point of view, namely, the omission to include moonsiffs' courts in those enumerated; this was in our judgment the worst course of all: secondly, to supply that defect and yet persevere without further alteration; this would have been the next to the worst course of all: thirdly, to pass the act adding moonsiffs' courts as courts of primary jurisdiction over Englishmen, and giving in other courts and in cases in which above 5,000 rupees were in dispute, an option of appeal to either Englishman or native, to either the Supreme Court or Sudder Dewanny Adawlut; this would possibly have had a tendency to improve both courts by a salutary rivalry, and would have been, perhaps, a better course than either of the two first, though certainly a doubtful improve-

ment: fourthly, to pass the act adding moonsiffs' courts as courts of primary jurisdiction and to give the appeal *exclusively* to the Sudder Adawlut: fifthly, to include in the act moonsiffs' courts as courts of primary jurisdiction in all causes of a mixed nature, that is in cases in which an Englishman on one side and a native on the other were concerned, to exclude all appeals in cases merely of disputed money demands below 5,000 rupees, to give in cases of greater amount to either litigant an *option of appeal* to either the Supreme Court or Sudder Dewanny Adawlut, and in all unmixed cases, *i. e.* cases in which both parties were English, to leave the primary jurisdiction with the local courts in all contracts of a pecuniary nature, and to exclude the primary local jurisdiction (until improvement in those courts,) in all cases in which the validity of marriages and of wills was concerned, and in all unmixed cases, *i. e.* where both litigants were British subjects, to give the appeal when the case from the amount in dispute, was appealable at all, to the Supreme Court alone, as the best calculated to correct erroneous decision in points of English law and especially as appeals when the papers are not voluminous, no witnesses being required, are much less expensive than primary suits. This last modification would have contented the petitioners or silenced all but unreasonable objectors. There was the last and perhaps the best course of all to let the law alone till the new code was framed and the courts improved. By either of the two last methods, the Government might have retreated from the Black Act, by a bridge of golden opinions. The council preferred to be high and mighty lords, and the consequence is that the scattered British subjects in India who were as a rope of sand have united once and may be disposed to unite again; the germs of a political opposition to Government have begun to sprout amongst that class, and among the natives also by the resumption laws, and are likely to be forced in that hot-bed and grow apace; the two classes and the Anglo-Indians will, at no distant period we suspect, unite for common and important objects, and for redress of grievances, and then future secretaries here and at home, and Directors and Presidents of Boards of Control, will think the end of the world is at hand, when in truth it will only be "*the beginning of the end*" of the Company's rule. —*Hurkaru, Feb. 28.*

## THE DAYAKS OF BORNEO.

A member of the American Mission, who has lately returned from Borneo, having favoured us with a few notes of a visit to a camp of Dayaks situated in the interior of Sambas district, we have condensed them for insertion in

our columns, trusting that any information regarding that country and so peculiar a race of savages will prove interesting to our readers.

Our correspondent commenced his expedition by proceeding up the Sambas river in a

small-covered boat, which served for cook-house, dining-room and dormitory, there being no houses on the banks where a traveller could lodge at, and, on the 11th June last, arrived at *Ledo*, which is distant about four days' journey from the Dutch residency of Sambas. On the way crowds of monkeys chattered over head, and swarms of muskitoes infested the boat. Sometimes the beating of Dayak gongs gave note that the head of some fellow-being was, perhaps, being severed from its trunk, and that some dismal festivity was being carried on over the butchered remains. On going ashore at *Ledo*, our correspondent found several Dayaks whom a few kind words inspired with courage, and they approached and examined his clothing with great minuteness, not being able to conceive why a person should require more than one covering. The Malays, also, were unable to comprehend the object of his wishing to visit the Dayaks, the pure and simple motive of doing good to our fellow-creatures being totally beyond their ideas. Our correspondent called on the Pangeran, who holds immediate jurisdiction over the Dayaks he wished to visit, and while in "the presence" a Dayak evidently in great trouble, came to have a grievance redressed. He stated, that in a recent head-hunting expedition, he had been unsuccessful, while others of the company had taken three heads; he being one of the headmen of the *compong*, his wife was highly offended with him, the disgrace being more than she could endure, or his kind attentions to her could wipe away. The Mahomedan *rajah* coldly dismissed the complainant, by saying, that the matter was of very little consequence, and his wife was at liberty to choose a younger husband! On the following day (12th June) our correspondent proceeded to *Lomar*, the path laying along the course of a small stream that found its way among the hills, and the muddy water of which gave evident token that the cupidity of gold miners was agitating the earth nearer its source. Sometimes the way led through vallies, the luxuriant vegetation of which manifested what productive spots they might become under the hand of cultivation. Sometimes hills were ascended, the acclivities of which would have been nearly inaccessible, but for the steps which the Chinese had cut, and which from the nature of the clay, had become nearly as hard as stone. Sometimes the path was found dug along a precipitous bank, with earth and rocks impending above, while the turbid waters of the stream were rolling far below and into which a single false step would have precipitated the traveller, unless he happened to be lodged in his fall in the top of some tall tree. Anon the path lay through a thick wood which shielded the party from the meridian sun, and then opened into a once cultivated, but now deserted, plain, exposing the pedestrian to all the strength of his piercing rays. Thus diversified with hill and dale, sunshine and shade, the course was far from being monotonous; and the prospect was equally varied, for, on all sides, were seen

rising in the distance, mountains of various shapes and sizes, covered with verdure to the very top; nearer still could be traced the courses of several streams as they wound their way among the hills, and here and there extensive plains were observable which had been once cultivated, but were now left to return to their original wildness, presenting a striking picture of the moral desolation with which the inhabitants of this lovely region are enveloped.

In several places were seen huts built in the tops of trees;—in these the Dayaks sit, while watching their little rice fields. Perhaps from this circumstance has arisen the erroneous opinion that there is a race of Dayaks who live altogether in trees.

Early on the 13th the party left *Lomar* the course laying close by several gold mines worked by Chinese, and along canals or channels in which water is conveyed to the mines. The operation of working these is simply as follows: A channel is first dug, which conducts the water from some stream to the place to be excavated, care being taken to allow the water to pass through the mine from above, so as to produce a rapid current. From the mine to a considerable distance below, the channel is walled up with stones, poles, &c., so as to prevent the precious metal being wasted or lost. The sand or gravel is then dug out of the mine and thrown into the channel, while several men are stationed in order to agitate the water, for the purpose of loosening the gravel or sand, and also, with a kind of skimmer made of rattan, take out the stones, allowing the sand, with which the particles of gold are mixed, to settle at the bottom. Until the operation of separating the gold from the sand takes place, which is usually done four times a year, the mines must be watched day and night. The process of separating the gold is, to take a portion of the sand and wash it in a kind of scoop, until it is all carried off by the action of the water, leaving the gold in the cavity of the vessel. The metal is then taken to the captain or headman who applies a magnet, in order to take out any particles of iron that may be there; after this it is carefully weighed and packed up for market. The captain takes possession of all the gold that is collected, supplying the workmen with provisions, and once a quarter paying every man his share. At such times he makes a feast, killing more or less swine, according to the amount of profit. The pork is first offered to their peculiar deity, as an acknowledgement of his favor, and is then eaten by the company. This scene usually closes with indulgence in opium smoking and gambling except by those who are too drunk to enjoy themselves in either of these vices. The Chinese generally live with Dayak women, who, with their children are in general decently clothed. Whenever our correspondent passed their huts, women and children would come out in swarms to gaze at the stranger, he being probably the first white man they had ever seen.

Around one of the mines there were probably more than a hundred Dayaks searching

for gold. They do not work in mines, these being the exclusive property of the Chinese, but they glean around and get what they can, which is very little. Those Dayaks who are under Malayan rule are severely taxed, and in return are allowed the privilege of merely living; those who reside in the vicinity of the gold mines pay an additional sum. The Dayaks living near *Lomar* and amounting to about a hundred families, pay annually to the several pangerans who claim authority over them, something more than 20 tils, or about 3 lbs. 4 oz. of gold, worth there about 2 drs. the til, which is actually more than the whole amount of property the greater number of them possess. Besides this, they are compelled to the vexatious duties of carrying the pangerans from place to place, and of supplying them with provisions so long as they remain in the neighbourhood, and all without the least remuneration. Again, there are several of these chiefs, who claim the right of carrying on a forced trade with these poor savages, compelling them to take in exchange for their commodities, articles at about four or five times above their value, whether required by them or not. Our benevolent correspondent called the company together on one occasion in order to preach to them; but they were so anxious to collect something wherewith to satisfy the demands of their tyrant masters that they seemed to care for little else. As they collected together one brought a stone he was pounding up another his scoop full of sand, &c.; and all with their knives, used for decapitation, by their sides, and baskets on their backs. Such was the appearance of the first Dayak congregation at *Lomar*!

On leaving *Lomar*, after travelling a few miles, our correspondent came to a stream of water, and in its bed seated himself on a boulder, and for a few moments indulged in contemplations so pleasing, that, for a time, he forgot the toil of clambering up steep ascents. To see a rock of any kind would have afforded him, he says, particular pleasure then, not having met with one for upwards of six months; but here were the greywacke, the hornblend, the stratified quartz with its variegated front, and several others, old friends with which he delighted to sport in more youthful days. On the right was the stream tumbling in foam over the rocks which lay in its course. On the left the view opened out into a small plain in a valley, where standing the thatched huts of a few Chinese miners, around which were, their little gardens; and, in the rear of these were the mines from which these sons of industry were deriving their subsistence, and hoping in time to acquire wealth and return to their mother-country. Beyond the valley which soon opened into an extended plain, arose the lofty *Bayang* range from one of which the *Mempawa* river takes its rise. Behind was the steep declivity which he had just descended, and before him lay one of the points of the *Bayang*, on the top of which stood the Dayak village which he wished to visit. After a short pause he commenced his ascent, and, in about

an hour, gained the top. The prospect from the village was truly enchanting. A broad valley lay below, variegated with dense forests and woodless plains, with here and there a shining spot of red clay or white sand where the Chinese had removed the earth in searching for gold. Beyond the valley was an extensive forest, with hills rising over hills and mountains piled on mountains till they seemed at length to mingle with the distant clouds. It was melancholy, however, to reflect, that this spacious amphitheatre held in its bosom, shrouded in its forests and hills, several thousands of immortal beings hastening to eternity, and as ignorant of their own destiny, as the people of more civilized regions are of their existence and condition, literally sitting in the "region of the valley of the shadow of death;" each living in constant fear, by day and night that his own trunkless head will take that place in a neighbour's hut, which many a one now occupies in his. Having visited about 100 families of the Dayaks, our correspondent returned to *Lomar*. Those Dayaks he saw were all miserably poor and diseased, but even thus, the Malay rajahs who claim authority over them, make no scruple in quartering themselves and followers upon them, so long as they please to remain, and that too without remuneration.

The inhabitants of one of the villages he came to had just taken three heads and the feasting and beating of gongs were continuing when he arrived. The skulls having sufficiently amused their owners were then taking the round among the neighbours to inspire them with courage to undertake a similar expedition. Thus it is, that the "powers of darkness" contrive to make the commission of one sin lead on to that of another, and to perpetrate barbarous and cruel systems on the earth. Our correspondent tried to convince the Dayaks of the folly and wickedness of their conduct, and to point to the Saviour of men as their only friend; but they manifested too great an attachment to their old customs to give much attention to what he said. Indeed, it is not strange, that it should be so, for the custom of cutting off heads is instilled in their minds from very infancy. About the first thing that is taught the infant is to resent injury, real or imaginary, and to obtain its own will.

He observed in this village that very many were afflicted with purulent ophthalmia, and many others with ulcers of various kinds.

In passing the place of their *Pantoks*, (images) he stopped to examine them. There were at one place about forty, and, from their appearance, a person would judge that they had been deserted for some years. They are figures carved into something like the human form, having usually some ornaments attached to their necks, arms, &c. Those representing males have their hands raised in a menacing posture, and those representing females have theirs hanging by their sides to represent submission. These *Pantoks* have been considered

as idols and as receiving worship, but our friend is satisfied that this is an entire mistake. They are the representations of ancestors only, and offerings are placed before them as such and not as deities. The Dayaks make offerings of the entrails of fowls, &c. in a cup placed on split bamboo in front of their houses, but whether these are intended for a holy or unholy spirit it is difficult to say, as God and the devil are both called by the same, and the making these offerings is probably the whole extent of their worship.

As our correspondent arrived at *Ledo* on his return, the Pangoran was just starting on circuit. He had about twenty-five Malay followers armed with muskets, spears, &c. and about as many Dayaks, pressed to carry the luggage, &c. One of them carried on his back a huge chair in which the rajah takes his seat when weary of walking.

The following are a few miscellaneous remarks regarding the Dayaks. When they attack a hostile village in good earnest they spare neither age nor sex; the hoary head and the helpless infant, the daring warrior and the retiring female, even though adorned with beauty and youth, are alike slaughtered and beheaded with savage joy. There is an exception, however, in the case of a young and handsome female, who, if she have the courage to appear before the murderers of her relatives in the simple attire of nature, is valued more than a skull; her life is spared and she follows her captor, sometimes not unwillingly, especially, if he has one or more heads to carry with him, even though they were taken from her nearest relatives! It is also said to be the practice of all the Dayaks in this region to put great confidence in the omens given by a certain bird; these are consulted on all occasions of going to war or making peace; when they plant or when they reap.

However it may have been the fact formerly, it is not now insisted on in these parts that a Dayak shall not marry until he has decapitated one or more heads; though no one will presume to ask in marriage the daughter of a man who has several skulls in his possession, until he himself has taken one at least.

Wives are not bought, but selected from personal regard, and when a Dayak marries, it

is for life; though separations sometimes occur. When a marriage is agreed upon, it is performed in the following manner. The parties and their friends being assembled, the couple seat themselves on a rice trough, side by side, and the person who acts as priest, takes the blood of several fowls and sprinkles some of it before them; some is put on the foreheads of each with a feather, and some is thrown into the air, the priest calling on *Javata* to sanction the engagement. After this, some advice is given to the pair, and the whole closes with feasting. The term *Javata* is supposed to refer to God, but it is, at least, equally certain that it signifies devil also. They have an idea that there is an invisible spirit, who is the author of good and evil; it is he who favours or destroys their crops; who sends sickness or health—who gives success in head-hunting, or permits to take off their heads.

When a Dayak dies, the corpse is disposed of as follows, according to the rank of the deceased. If the person has been rich or a warrior and taken many heads, the body is burnt and the ashes left to be scattered by the wind; a pantok representation duly ornamented, is set up in the proper place, and sacrificed to at their common family festivals. When a person dies who has been noted for his skill in driving away evil spirits, the corpse is placed in the top of some tree, in order that the spirit may more speedily take its flight to the skies. The common people are rolled up in their clothes, enclosed in bark, and buried. Others again, who have been despicable during life, are merely laid at the foot of some tree and left to be devoured by wild beasts.

In regard to head-seeking, our correspondent believes the practice is far less common, at least, on the west side of Borneo, than formerly. From what he saw, he thinks there are comparatively few heads taken now; probably there are not many villages that capture more than one or two a year. Indeed, he believes there are more Malays murdered in Sambas by their own race than are killed by the Dayaks. The Dayak kills his enemy, but the Malay murders his neighbour, even the wife of his bosom, and justifies himself in so doing by appealing to the laws of his prophet. —*Singapore Free Press*, Nov. 9.

## TO THE CAPITALISTS OF INDIA.

GENTLEMEN,—I beg to call your serious attention to a proposition which has, within the last few days, been brought forward to establish a third bank in Calcutta. Who or what I am, or what may be my motives, is in reality of little consequence; the facts and arguments which I shall advance cannot be strengthened or impugned by the authority of the individ-

ual from whom they proceed, as most of the first must be within the recollection, and all of the last will be within the comprehension of you, to whom they are submitted.

The Bank of Bengal is possessed of a paid-up capital of 75 lacs, and the Union Bank of 40, their shares are at a high premium, and for the last three years their dividends have suc-

tuated from 12 to 14 per cent. It is now proposed to establish a third bank for deposit and discount, with a paid-up capital of one crore of rupees. I propose, in the first instance, to consider, what may be the effect of this measure on the trading interests of the country; for, I think, it will be conceded to me, that if injurious to them it must ultimately prove detrimental to the capitalists, from whom the money is borrowed. It requires but a limited knowledge of commercial affairs to ascertain, that the greatest disaster among merchants have originated in over-trading, and in the markets being depreciated by the supply exceeding the demand, and that such an event has been the invariable result of a superabundance of capital. Should so clear a proposition need any demonstration, we may read it in the history of the rise and fall of the six great agency houses of this city; and they afford a warning so evident, solemn, and severe, that it can hardly be disregarded even by the most unthinking. Few of the partners in these six houses, were, at the time they joined the firms, possessed of any capital; (I know but of two, Messrs. Hutton and Browne of Cruttenden and Mackillop's). Connexion, talent, experience, and assiduity, were the qualifications which obtained them admittance. The capital of the establishments was accumulated by the deposits of their constituents, who received a rate of interest so high, that it could only be supported, by their money being employed in a lucrative trade. Of this fact, there was no concealment, and every man who placed his money in an agency house, was aware, that it was immediately embarked in mercantile speculations. The civilians and military, who had saved from their salaries, the natives who had acquired or inherited fortunes, were anxious to have their capitals employed for them without having their leisure disturbed, or their other avocations interfered with. The agent was ready to devote himself to this work, and the surplus profit, after paying the interest, was to be his remuneration. In fact, the agency houses and the capitalists of the community formed six vast partnerships, those who gave the money were the sleeping, those who employed it were the active members. Those who contributed, well knew the purpose to which their funds were devoted, and the man who would contend that this description is not correct, might as well assert, that the shareholders of the two banks are not engaged in banking transactions, and are not partners in the firms.

Having given this sketch of the state of affairs during the reign of the six houses, I next proceed to consider the circumstances which led to their downfall. It has never yet been asserted, nor surmised, that the ruin of the houses was caused or even accelerated by the extravagance of the partners, nor by their carelessness, inexperience or want of attention to business; never, perhaps, was there any body of men, possessing, as they did, the command of almost unlimited wealth, more laborious in their duties, or more economical in

their habits; it was to commercial difficulties solely that their losses were attributable; but these difficulties in my opinion might have been foreseen and avoided. I admit, however, that when the mischief has occurred it is as easy to point out the mistake which has been made, as it is difficult to avoid it before we have the benefit of experience. It had never been ascertained to what extent the supply of Indian products might be profitably carried, or at what limit the demand would decline, while the temptation to increase that supply was almost irresistible, from the fertility of the soil, the numbers of labourers, the capital which was tendered to, nay forced upon, the houses, and the large profits which at first were made. I remember a most able and ingenious paper published in this journal, for the purpose of establishing, that it was almost next to impossible Bengal could produce more Indigo than would be required by the European markets, and the correctness of these reasonings, and conclusions, were generally acknowledged by the most experienced merchants and planters. How fatally has time refuted this theory.

When the over-supply had caused the demand to decline, it was then too late to remedy the evil. Immense capital had been embarked. Factories and works had spread over the country, and those had either to be abandoned at a total loss, or kept up to yield an insufficient and precarious return. Every year the losses increased till the fall of Palmer's house announced that the fabrics were giving way, and in three years none of them existed.

The following is a correct account of the amount for which each firm failed, from which it may be nearly ascertained what the amount of the borrowed capital was, which they had embarked in trade.

Palmer and Co.....	2,60,00,000	0	0
Alexander and Co.....	3,44,00,000	0	0
Mackintosh and Co.....	2,47,06,362	9	8
Fergusson and Co.....	3,26,21,000	0	0
Colvin and Co.....	1,21,00,000	0	0
Cruttenden and Co.....	1,35,00,000	0	0
	<hr/>		
	14,33,27,362	9	8

To arrive at an approximation, let the six crore and the thirty-three lacs be deducted from this sum, for debts accruing from accumulated interest, and due to mercantile persons for trading transactions, it will leave eight millions of English money for deposits by constituents. I believe that it is hardly anticipated that the six firms taken together will eventually pay 25 per cent. on the amount of their debts collectively, and, if not, then of the eight millions lent by depositors to be embarked in Indian trade, six millions or 75 per cent. will be the sacrifice of over-trading or of the supply exceeding the demand.

I have dwelt on this topic at perhaps too great a length, but the event is one so recent, the facts are so palpable, the consequences have been so tremendous, and the circum-

tances so applicable to the danger which is impending, that I would omit nothing which might weaken that strongest of all arguments, the appeal to the past, as a warning for the future.

But, gentlemen, this is not the only instance which India affords of the consequences of over-trading and over supply. It is to this system, that the recent embarrassments are mainly attributable. The improvident treaty made by Mr. George Swinton, by which the Malwa opium cultivation has been so extended, and the cupidity of the Supreme Government which has increased the cultivation in their own provinces, has thrown into the China market a quantity far greater than the demand which that country requires. I am not forgetful that other causes are likewise operating, that high prices and the stoppage of the trade have had their effect; but, I do not believe, that the prices in Calcutta would have ranged higher had the stock been less, for they rose from a system of jobbing, and not from any real demand, while it is clear that over supply did produce a fall in China, which thus made the high prices in Calcutta ruinous. In respect to the stoppage of the trade, it is pretty well known that, had the increased bribe demanded by the Mandarines of 100 dollars a chest been complied with, the interference would never have taken place, or else have quickly ceased; but an overstocked market had already produced losing prices, and the sellers were not in a situation to yield to further imposition. On a review of all these circumstances, I again repeat, that to over cultivation and supply the present difficulties of the opium trade are mainly attributable.

Many of you, gentlemen, must be intimately aware of the fearful consequences which these difficulties had nearly produced. If the Bengal Government had not remitted a portion of the price, or given, as it has been improperly called, the *bonus*, what would now have been the situation of some of the first houses Calcutta? As it is, there is at present, and has been for above a twelvemonth upwards of 50 lacs of rupees locked up in China, and thus diverted from the commercial purposes of this city, for though I admit that this sum may be said to have been devoted to the opium trade, yet, as it has not been returned in the ordinary course of remittance, it became necessary to supply the deficiency, by seeking for capital elsewhere, and this it is, which has occasioned a temporary scarcity, and, therefore, unusual demand for money, and a temporary rise of interest.

Gentlemen, I refer you to the two events which I have described; the failure of the agency houses, and the embarrassments of the opium trade, both originating in over production, which over production could never have occurred, but for the command of a superabundant capital. On whom did the real loss fall when the six houses failed? On you, gentlemen, the capitalists of India? To whom did the eight millions sterling

belong? To you, gentlemen, the capitalists of India,—the agents themselves had nothing. Had not the Government come forward, and had the opium merchants failed, who would have been the sufferers? The capitalist who advanced the money. You have escaped being ruined a second time, from causes nearly similar to those which had before occurred, and it behoves you to let the past, warn you of the future.

Having thus endeavoured to shew you that the demand for the products of Bengal is limited, and the ruinous results of too lavish a supply of capital, I now arrive at the question of, what is likely to be the result of the establishment of this new bank? The present two banks possess a capital of 115 lacs of rupees to be employed in purposes of discount; the Government, likewise, make large advances every year on consignments. Some of mercantile houses are possessed of independent capital to a considerable amount, and upwards of 50 lacs are locked up in China, but which will return. It is now proposed to introduce a crore of rupees into the market; that is, those merchants who have no money, ask the capitalists who have, to lend them this sum. This will be denied, but I shall presently prove that this is the case. Now, let me ask what sudden change is there in the circumstances of this country, or in the markets in Europe to make it expedient, nay, to make it commonly prudent, at once, to add a million of ready-money to the trading capital of this city? Is indigo rising? On the contrary, the fall in that great staple has utterly ruined many. The mere report that the crop of last year would average one lac and five thousand maunds, induced a fall which has swept away many a handsome fortune. Is this, then, encouragement to increase cultivation? Is opium, at present, a very inviting speculation? Or is the cotton, or the sugar market, so lucrative and certain, as not to make it an act of insanity to risk a large and sudden increase? I am far from contending that the trade of Calcutta has not increased, is not increasing, and will not increase; but, I warn you, gentlemen, capitalists, to look into the question yourselves; to examine narrowly that which is the real question, and before you part with a million of your money to be employed in trade, to ascertain that there is an opening to employ it advantageously, that the home markets can bear to have a million sterling of additional produce thrown into them from Calcutta, and that the state of trade in this city, is now so EMINENTLY PROSPEROUS THAT THE FACILITIES AFFORDED BY THE TWO DISCOUNTING BANKS SHOULD, AT ONE STROKE, AND IN ONE MOMENT, BE DOUBLED.

I shall be told that the high rate of interest now charged by the banks, and the premiums at which their shares are selling, is incontestable evidence of the scarcity of money, and that, when money is scarce, supply should be obtained. But my answer is, that the scarcity is but temporary. The average rate of discount charged by the banks for the last three



years, may be taken at 7 per cent. it is now 10, and the rise commenced when the embarrassments of the opium trade began to press; that it increased as the season approached, when money is most in demand, and few remittances had arrived from China; and that when the funds in China are returned or new capital has GRADUALLY infused itself into the market to supply any real and permanent deficiency, that the money-market will resume its former level.

Now, gentlemen, if I have correctly pointed out to you the fatal and lasting consequences of throwing into the mercantile market a superabundant capital; if I have correctly stated the cause of the present pressure, and proved even the probability of its being temporary, let me ask you, will you hazard the loss of your hard-earned fortunes to remove a short-lived evil, and earn a short-lived profit?

I have stated, gentlemen, that the trade of Calcutta has increased, is increasing, and will increase; and, I admit, that capital and the facility of obtaining it, ought to grow with its growth, and the manner in which this should be effected is the next point for consideration. If the proposal for the new Bank succeed, the following *probable* result may be anticipated. First, as regards the capitalists, who have a crore and fifteen lacs in the two banks. If the detention of fifty lacs in China raised the rate of interest from seven to ten per cent, the introduction of a crore into the discount market, will reduce the interest to four per cent, thus diminishing the dividends on the bank share by  $\frac{1}{2}$  from what they were previous to the rise. But the diminution will, in fact, be much more, for this calculation supposes that the whole of the capital of the banks to be constantly employed as it is now, and only the rate of discount altered, whereas such an overflow of money must leave a great quantity of capital idle; and, it is more than probable, that the dividends will fall to 4 or 5 per cent. Nor will the effect stop here. Mark! what I warn you of, gentlemen, who eschew the banks, and hold Company's paper; (principally composed, as I believe you are of the old and wealthy families of the native community) no sooner shall this change take place in the money market, than the Government will pay off their 4 per cent. loan, and open one at 3 per cent. This is what is impending over you, and such will be the inevitable result of the new bank project, should it prove successful. Then, in regard to the merchants, I assert it as a fact, that it is a measure not sought for, but disapproved of by some of the principal houses in Calcutta. A proposal has been made to increase the capital of the Union Bank, not by one hundred but by forty lacs, and that gradually by ten lacs every six months, thus taking two years to introduce that sum. It is evident that the true object of this proposal is to knock up the new bank scheme. The requisition was hastily circulated. It was only sent to five great houses, the partners in four out of the five

signed it, (Cockerell and Co., Jenkins Ferguson and Co., Carr, Tagore and Co., and Breece, Shand and Co.) and a fifth, Mackillop, Stewart and Co., are reported to have declined, deeming such an increase uncalled for by the state of the Calcutta market. Such was the result of sending this requisition to five principal houses. Had time admitted of its being sent to others, you may judge, gentlemen, of what the result would have been. This, however, is clear, that in the opinion of these five leading houses, an additional crore of rupees is not now wanted in the Calcutta money-market, and that four of them consider, that the half-yearly introduction of ten lacs of rupees will be sufficient for the next two years to meet the exigencies of that trade, which, I admit, has increased, and will increase. It ought to be distinctly understood, that the requisition to which I have alluded, was not sent to any other mercantile house or mercantile men than those whom I have named. It had been better could it have been otherwise; but time pressed, and it was not considered essential to secure more than the necessary number of names to convene the proprietors, as the expediency of the measure had to be twice discussed at two public meetings.

I have likewise stated, gentlemen, that the merchants who have no money, are by this proposal applying to the capitalists who have, to lend them a crore of rupees to assist them in their trade. This was not, I believe, the origin of the plan; it is reported that its parent is an extensive householder, who is desirous of realizing his property, and who knows that when money is abundant, land rises. Be that as it may; the meetings which have been held have been meetings of merchants and not of capitalists, composed partly of gentlemen, whose attendance had been requested, and who went more to watch than to participate, and of others, who would more probably avail themselves of discounts than advance capital for that purpose.

There are now in the mercantile list of Calcutta 69 firms composed of 149 individuals. I have said and repeat, that some of these firms are possessed of considerable capital,—I believe of more substantial capital than was ever possessed by any of the old agency firms; but let me put this question to you, deducting from the 149, those whose stability is publicly known, what amount of capital will be found among the remainder? and how many may be numbered in that class? I presume, not to answer the question, for I will not be unnecessarily invidious; but, I affirm, that it is an important question for the capitalists, the real lenders, to consider before they risk their money. I therefore put it to them as a point indispensably necessary for them to weigh well, and if they possess not the information now, then diligently to seek it out.

Gentlemen, I have pointed out to you the ruinous consequences of rash advances of large capital; I have endeavoured to prove to you that from the state of the markets at home, it were insanity so largely extend the

supply; and that the present pressure here, is but temporary and in reality occasioned by that over-supply, which will be the inevitable result of the scheme in which you are now called on to join. I have shown to the numerous holders of bank shares how their incomes will be reduced, and, of course, to those who embark in the new plan, how trifling their profits will be. I have warned the holders of Company's paper to guard against a forced 3 per cent. loan, and while an immediate diminution of income must be the fate of all, another ruinous loss to capitalists and another general bankruptcy among the merchants

will, as assuredly follow the immense increase of supply beyond the demand of the market, as it did when the agencies fell. It is my firm belief that, on consideration, this rash and ruinous measure will not be fostered by any merchant possessed of capital or prudence. That an increase of funds in the discount market will be beneficial I do not deny; but it should be gradual and moderate, not sudden and enormous.

I am, Gentlemen, &c.

AN OLD INDIAN.

*Hurkaru, March 26.]*



THE  
CALCUTTA MONTHLY JOURNAL.

1838.

THE CODE.

We have this-day inserted the letter addressed to Lord Auckland by the Law Commissioners, which may be viewed in the light of a preamble to the Penal Code, which has at last, it would appear, been completed. The commissioners deprecate censure for the time spent in the compilation; and we are disposed to take some blame to ourselves for having been hasty and inconsiderate in our former remarks on this point. We consider their defence sound; and we had not sufficiently weighed the impediments arising from the different enactments in the different presidencies, relating to the same offences; and the necessary delay consequent to an analysis of their respective merits, if any; and the ultimate decision on what it might appear the most valuable to retain or modify. This could only be arrived at by repeated references and comparisons of the reports received, and it is well known how slowly such work proceeds in all countries, but particularly in India.

The argument addressed to timid and unforming legislators in the 8th paragraph, by quoting the working of the Bombay code, with reference to the prejudices of the people, is quite unanswerable, and we strongly recommend it to the attention of those with whom a fact is more conclusive than the most elaborate chain of ratiocination.

The 16th and 17th paragraphs are also in our humble opinion a sound and philosophical description of the duties a legislator is bound to perform in drawing up definitions of the law, accompanied by illustrations, however disagreeable; and in the 24th paragraph, we recognise that humane and enlightened spirit of legislation, which in criminal cases, gives to the accused the benefit of all doubtful points of law; and in civil cases lays the foundation of narrowing, within the smallest possible compass, the chances of any difference of opinion.

The 27th para. describes the evils of any class of persons considering themselves or being considered by others as above the law; and points out clearly that no opportunity can be more fit to remove them, where special treaties or guarantees do not exist, than when a new code binding on persons of different races and religions, is on the point of promul-

gation. The idea, that any man, be his station what it may, can be allowed to commit crimes with impunity, is indeed, most preposterous.

The concluding suggestions, that competent persons should be diligently employed in making versions of the new code, in order that the people of the country may know what that law is according to which they are required to live, are equally wise and just, and we must add quite in keeping with the philanthropic tone of the whole letter. Never having flattered Mr. Macaulay, not being blind to many great sins of commission and omission, we the more readily give our praise to the production before us, of which he is unquestionably the *magna pars*, without any disparagement to the talents of the gentlemen associated with him.

On the code itself we reserve our opinions; but we shall be glad to find we may be enabled, after careful perusal, to find as much to approve and as little to condemn as we have done in the preamble.

Since writing the above, we have seen last evening's *Courier*, in which a portion of the code is alluded to—a portion, not uninteresting, it must be confessed, to the fairer sex. Our contemporary's comments we also insert, and recommend their import to all. We shall have a word or two to say ourselves on the subject presently; but reserve our "fire" until the *Englishman's* volley has passed.—*Hurkaru, Jan. 5.*

Our evening contemporary is letting us into a knowledge of the new Penal Code, by small extracts, and slight anticipations, in mercy we presume to our weak optics, which might have been dazzled into blindness had we been suddenly smitten on the visual ray of our intelligence, by the full blaze of the new-born sun of legislation; just as Burke would say, springing like Mercury into the horizon, and casting its shadows before. We are sorry to disagree with our evening contemporary. The new code will not please the ladies. We must confess, indeed, that we gave our contemporary the credit of having played off upon our supposed unsuspecting credulity a piece not of legislation, but of wit, in his Wednesday evening's journal, in which

he apprised us that by the new code, a married man, whose wife was in England, might perpetrate other matrimony in India with impunity, provided merely he apprised the wife of second choice of his previous engagements. We confess, we thought this a right merry conceit, a "piece of legislation" especially invented for the amusement of Christmas jollifications. But the code itself surpasses our contemporary. We have not time or space to enter on the subject to-day, but the following admirable reasoning, and we pledge our readers that it is taken from the code, will at once be confessed to be worthy, not of the novels of Justinian, but of the most trashy novels ever puffed into notice, by Colburn, of Conduit-street:

"The married man who, by passing him self off as unmarried, induces a modest woman to become, as she thinks, his wife, but in reality his concubine, and the mother of an illegitimate issue, is guilty of one of the most cruel frauds that can be conceived. Such a man we would punish with exemplary severity.

"But suppose, that a person arrives from England, and pays attentions to one of his countrywomen at Calcutta: she refuses to listen to him on any other terms than those of marriage. He candidly owns that he is already married. She still presses him to go through the ceremony with her. She represents to him that if they live together without being married she shall be an outcast from society, that nobody in India knows that he has a wife, that he may very likely never fall in with his wife again, and that she is ready to take the risk. The lover accordingly agrees to go through the forms of marriage.

"It cannot be disputed that there is an immense difference between these two cases. Indeed, in the second case, the man can hardly be said to have injured any individual in such a manner as calls for legal punishment. For what individual has he injured? His second wife? He has acted by her consent, and at her solicitation. His first wife? He has certainly been, unfaithful to his first wife. But we have no punishment for mere conjugal infidelity. He will not have injured his first wife more than he would have done by keeping a mistress, calling that mistress by his own name, introducing her into every society as his wife, and procuring for her the consideration of a wife from all his acquaintance. The legal rights of the first wife and of her children remain unaltered. She is the wife; the second is the concubine. But suppose that the first wife has herself left her husband, and is living in adultery with another man. No individual can then be said to be injured by this second invalid marriage. The only party injured is society, which has undoubtedly a deep interest in the sacredness of the matrimonial contract, and which may therefore be justified in punishing those who go through the forms of that contract for the purpose of imposing on the public."

This, in our apprehension, is infinitely beneath the dignity of legislation, it is twaddle. Besides, if society is the only party injured, the law commission should have recollected that their function was neither to protect wife nor concubine, but society; and whilst they tell us that society is the only party injured, they yet impose no penalty for the offence. But the exquisite *naïveté* of this piece of legislation, is its chief characteristic. That exquisite touch "He has certainly been unfaithful to his first wife" is exquisitely affecting. Again the following affords a beautiful specimen of the *naïf* as was ever emanated by the pen of Parson Adams himself.

"We considered whether it would be advisable to provide a punishment for adultery, and in order to enable ourselves to come to a right conclusion on this subject, we collected facts and opinions from all the three presidencies. The opinions differ widely. But as to the fact, there is a remarkable agreement."

We cannot doubt it. We hope to have the whole code before us in the *Courier* of the ensuing week, and shall not fail to set it before our readers in impartial characters.—*Herald*, Jan. 7.

#### To the Editor of the *Englishman*.

I come now, Mr. Editor, to chapter the third—"GENERAL EXCEPTION," and I find that "nothing is an offence which is done by a person who is, or in good faith believes himself to be commanded by law to do it."

One would think, Mr. Editor, that the talented commissioners might have furnished a more decent illustration of their law than the following:

"A, a soldier, fires on a mob, by the order of his superior officer; in conformity with the commands of the law, A has committed no offence."

But let me not pause on the illustration itself, but go at once to the law, and if this were to be enacted, we might have an additional instance of a servant cutting off the head of another with a large carving knife, and effectually pleading as a man once did in the Supreme Court, that in "good faith" he was only complying with his master's commands, which he conceived himself bound by law to obey!

This contemplated enactment seems rich beyond all measure! Are the commissioners so uninformed of that principle which runs like through the Roman as the British law of

"*Ignorantia juris non excusat.*"

Are they unaware that however hard it may seem to apply that principle in civil cases, yet with reference to crimes against public order, the maxim has ever been held most strictly?—One would have thought they might have found instances enough in the body of the Roman law. But let me see what one of the ablest men in modern times, the celebrated French chancellor D'Aguesseau, says on "mistakes of law"—his observations will

set the propriety of maintaining most strictly with reference to public order that principle of

"Ignorantia juris non excusat."

1st. "Every man (says the chancellor) may be contemplated with relation either to the public order of society, or to the particular engagements which he contracts with other men; from this two-fold idea, results the distinction which the Roman jurists seem to have established between the public state and the private.

2dly. In the first of these aspects, a man is committed with the law itself: it is with the law alone that he contracts, that he engages, that he binds himself, with respect to every thing which regards the general police, and the exterior order of society; it is to law alone that he is accountable for his infractions of it.

3dly. In the second aspect, on the contrary, a man has only to regard the person with whom he contracts; the law does not punish an ignorance which relates only to a matter of private right, *although it establishes this right in the same manner as the public law*; it only regulates it with reference to the interest of individuals, and the loss of the rights which might have belonged to them is the only penalty which the law attaches to those who, by their imprudence, have merely infringed the maxims of private order.

4thly. *As the public order regards the public utility directly, while the order of private right only regards it indirectly, the first ought always to be considered as more important and inviolable than the last.*

5thly. As public law only regulates the most exterior actions of men, it is more easily to be conceived and observed than private.

6thly. From all these differences we may deduce this general consequence, that although ignorance of legal obligation is always reprehensible, *it is, however, much more criminal, when it violates the maxims of public order; than when it merely affects some rule of private right.* Because the person who by mistake contravenes a private law, does no injury to any one but himself, *while, he who through ignorance violates a public law, or rather a law of public order, attacks as much as in him lies the whole state of civil society, and directly offends against the general utility of the community.*

7thly. Then by a necessary consequence of this principle, ignorance of public order, *ought always to be punished, although the quality of the persons, the nature of the laws, and the variety of circumstances may very much increase or diminish the degree of punishment.*

I the more willingly, Mr. Editor, produce the opinion of this great lawyer and eminent civilian, because not only are his sentiments in unison with the Roman, but are in strict accordance with the English law. Am I wrong, Sir, in saying that the law commissioners have but a limited acquaintance with the subject they are attempting to handle?

But let us turn over the page, and see if we shall not find something equally rich and beautiful on the other side.

"Nothing which is not intended to cause death, and which is not known by the doer to be likely to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to, any person above 12 years of age, who has given a free and intelligent consent whether express or implied, to suffer that harm, or to take the risk of that harm, such consent not having been obtained by wilful misrepresentation on the part of the person, who does the thing."

Observe here, Mr. Editor, the finished delicacy of the phraseology "does the thing"—Messrs. Morrison and Long of pill-building and back-blistering notoriety may be figuratively said to "do the thing" when they send some of their patients, who have given "an intelligent consent" to the shades below. So in plain truth may the law commissioners be said not figuratively but most effectually, to "DO THE THING," when they put their names to so extraordinary a performance.

So again, Sir, under this provision of the law, every impudent pretender and quack who may blister, bleed, and destroy hundreds, nay thousands of his fellow-citizens, so long as he has got an "intelligent consent," and is only honest, no matter how ignorant, may be allowed in the graceful language of these accomplished legislators "TO DO THE THING" to all eternity.

But I must break off, Mr. Editor, or these commissioners will assuredly "do the thing" with

Your obedient servant,  
MARCUS.

Englishman, Jan. 8.]

To the Editor of the Englishman.

Sir,—I retrace my footsteps to the 2d "chapter on punishments," and in it you will find the following enactments:

"In every case in which sentence of imprisonment for a term of seven years, or upwards, has been passed on any offender, who is not both of Asiatic birth and of Asiatic blood, it shall be lawful for the Government of the presidency with which the offender has been sentenced, at any time within two years after the passing of such sentence, to commute the remaining imprisonment, without the consent of the offender, for transportation for a term not exceeding the unexpired term of imprisonment; to which MAY BE ADDED BANISHMENT FOR LIFE, or for any term from the territories of the East India Company."

At one time, Mr. Editor, I conceived that there must have been some error of the press in the above, but the following section places the meaning beyond question:

"In every case in which sentence of rigorous imprisonment for a term of one year and upwards, or of imprisonment of any description, for a term of two years or upwards, has been passed on any person who is not both

of Asiatic birth and of Asiatic blood, it shall be lawful for the Government of the presidency within which the offender was sentenced, at any time before one-third of the imprisonment has been suffered, to commute the remaining imprisonment, without the consent of the offender, for banishment from the territories of the East India Company, which banishment may be either for life or for any term."

I am at a loss to know, Sir, what could be the reason of the terrible severity of punishment like these: in the first page of the appendix at last, I find the following solution:—"it will be seen, that THROUGHOUT THE CODE, WHEREVER WE HAVE MADE ANY OFFENCE PUNISHABLE BY TRANSPORTATION, WE HAVE PROVIDED THAT THE TRANSPORTATION SHALL BE FOR LIFE. The consideration which has chiefly determined us to retain that mode of punishment is our persuasion that it is regarded by the natives of India, particularly by those who live at a distance from the sea, with peculiar fear. The pain which is caused by punishment is unmixed evil. It is by the terror which it inspires that it produces good."

Noble Marquis of Beccaria, men have but slightly attended to thy immortal work, held sacred by all lovers of their fellow-men, and hallowed by the very dew of humanity, if a principle such as this could find a place in any code in modern days!

Do distinctions of crime require no attention from a legislator? The minds of men would recoil from such a principle. We must not confound the boundaries of crimes to create a rule of terror. Uniform severity cannot justify a law, for punishments should be founded alike on necessity as on justice.

In chapter 6th, "on the proportion between crimes and punishments" in the above work, you will find the following passage:

"It is not only the common interest of mankind that crimes should not be committed, but that crimes of every kind should be less frequent in proportion to the evil they produce to society. Therefore the means made use of by the legislature to prevent crimes, should be the more powerful, in proportion as they are destructive of the public safety and happiness and as the inducements to commit them are stronger. THEREFORE there ought to be a fixed proportion between crimes and punishments;" and vindicating the same principle, he closes his celebrated essay with the following theorem:—"that a punishment may not be an act of violence, of one, or of many, against a private member of society, it should be public, immediate and necessary; the least possible in the case given; proportioned to the crime, and determined by the laws."

I leave it, Mr. Editor, to the assiduity of others to select the numerous instances throughout the code, in which for small offences, under the sections in the chapter on punishment, a man may be banished for life.\*

Before I close this letter, let me guard the public and yourself, Mr. Editor, from enter-

taining a notion that this code cannot be carried into a law, for you find in the 2d page of the prefatory address of the commissioners to Lord Auckland, the following words: "we trust that your Lordship in Council will not infer, that we have neglected to inquire as we are commanded to do by act of Parliament into the present state of the law." In addition to this you will find in the very first paragraph of their address to his lordship, "that they were directed by the orders of Government of the 15th of June 1835, to lay the Penal Code before his lordship."

I submit these passages to the public to correct an erroneous impression, which may go abroad, that the commissioners have "not inquired" under the 53d and 54th sections of the charter act. This code, it appears to me, may become the law of the land, and I therefore, warn the public against the belief that it never can be carried into execution.

MARCUS.

Englishman, Jan. 11.]

Mr. Macaulay, it seems, yesterday took his departure from Calcutta, having enjoyed the previous satisfaction of publishing his code. Of him we therefore take our leave; and we suppose that an instance is not to be found in the annals of India, of a British functionary of equal or similar station, quitting these shores under so general a feeling of utter disregard and indifference. He is gone, and has kindly spared us the slightest regret at parting from him. But he has left us his code, a miserable legislative abortion, which, before he reaches England, will be put upon the shelf, and like himself, be forgotten. The daily journals, have employed themselves during the week in exposing the absurdities of this disgrace to his own, and insult to others' understandings. Very probably he may be callous to the discipline that has been inflicted upon his bantling, whose infirmities, distortions and deformities, have been duly anatomised and exposed, by our daily contemporaries; be it ours to administer to the poor quivering wretched thing, its *coup de grace*.

We have all heard of the artist who, under the several productions of his pencil, wisely as well as modestly wrote, as the case might be, "a horse," "an ox," "a goat," &c. in order to "illustrate" his subject. The new code with equal wisdom illustrates its laws in manner following:

"69. Nothing which is not intended to cause death, and which is not known by the doer to be likely to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause any person above twelve years of age who has given a free and intelligent consent, whether express or implied, to suffer that harm, or to take the risk of that harm, such consent not having been obtained by wilful misrepresentation on the part of the person who does the thing."

Illustrations.

(a) A, a dentist, offers Z, a person of ripe age and sound mind, a price for Z's teeth, and without any wilful misrepresentation, obtains Z's consent to the drawing of

\* Let it be remembered, Sir, that this chapter on punishment overrides the whole code.

Z's teeth. A draws Z's teeth. Here, though A's act falls under the definition of the offence of voluntarily causing hurt, A has committed no offence.

(b) A converts Z, a person of ripe age and sound mind, to the Mahomedan religion, and, without any wilful misrepresentation, obtains Z's consent to be circumcised. A circumcises Z. A has committed no offence.

(c) A and Z agree to fence with each other for amusement. If this agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play, then if A, while playing fairly, hurts Z, A has committed no offence.

(d) A, a friend of Z, calls at Z's house, in Z's absence, and writes and seals several letters there with Z's paper and wax, without asking any person's permission. Here, if the acquaintance between A and Z be such that, according to the usages of society, the consent of Z to such use of his property must be implied thence. A has committed no offence.

Most of our readers having read the Arabian Nights' entertainments, will, no doubt, have experienced horror, and dismay, as well as contempt and detestation towards those foolish and wicked tyrants, who, on occasion of a wife's, or daughter's, or son's dangerous illness, menaced the unfortunate mediciner who undertook the cure, with instant death, unless his medicaments proved effectual. Who would have thought that Mr. Macaulay came out to India, in order to remedy this wicked as well as foolish practice of 1,000 years ago; nobody—nobody would have supposed it, nevertheless so it is.

"70. Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause to any person for whose benefit it is done, in good faith, and who has given a free and intelligent consent, whether express or implied, to suffer that harm, or to take the risk of that harm, such consent not having been obtained by wilful misrepresentation on the part of the person who does the thing."

#### Illustrations.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and tending in good faith Z's benefit, performs that operation on Z, by Z's free and intelligent consent, not having obtained that consent by misrepresentation. A has committed no offence.

The following further illustrations of this grand improvement in criminal jurisprudence, we furnish as most admirable "illustrations" of Mr. Macaulay's enlarged and magnificent as well as benevolent views of the nature and character of the business of legislation :

#### Illustrations.

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(b) Z is carried off by a tiger. A fires at the tiger, knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. The tiger drops Z. It appears that A's ball has given Z a mortal wound. Nevertheless, A has committed no offence.

(c) A, a surgeon, sees a child suffer an accident, which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's legal guardians. A performs the operation, in spite of the entreaties of the child, intending in good

faith the child's benefit. A has committed no offence.

(d) A is in a house which is on fire with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that fall may kill the child, but not intending to kill the child, and intending, in good faith the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Much as our readers will admire these illustrations, of that which we had foolishly supposed could require no illustration at all, they will be yet more enamoured of the following exquisite bit of legislation, and corresponding *beau morceaux* of illustration, which we lay before them, with a solemn assurance, that we extract it from an authentic copy of the code itself.

73. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

#### Illustrations.

(a) A gets into a public carriage in which Z is sitting, and in seating himself slightly, hurts Z by pressing him against the side of the carriage. Here, though A's act falls within the definition in clause 316, yet if the whole harm caused was so slight that no man of ordinary sense and temper would complain of such harm, A has committed no offence.

Now we beg to pause a moment here, and ask our readers what they think of this. Is this, we ask, the dignity of legislation, or is it the drivelling frivolity of imbecility? Do we want people to be sent out here, at a cost of £10,000 a year, to tell us this? But what will our readers say to the following :

(b) A, a servant in Z's house, having occasion to write a letter, dips a pen in ink, the property of Z. Here, though the act of A may fall under the definition of theft, A has committed no offence.

We could multiply instances of absurdity, but we shall confine ourselves to the following illustrations of an assault :

(d) A intentionally pushes against Z in the street. Here, A has by his own bodily power moved his own person so as to bring it into contact with Z. He has, therefore, intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has committed an assault.

#### Another :

(f) A intentionally pulls up a woman's veil. Here, A intentionally uses force to her, and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he commits an assault.

The following discovery is ascertained by the reversed legislative telescope of the Law Commission, amid the dark obscurity of nonsense, to which that most erudite body have been three years directing their observations :

341. Whoever makes any gesture, or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation, is about to assault that person, is said "to make show of assault."

Explanation. Mere words do not amount to a show of assault. But the words which a person uses may give to his gestures or preparations such a meaning as may make those gestures or preparations amount to show of assault.



*Illustrations.*

(a) A shakes his fist at Z, intending or knowing it to be likely that may thereby cause Z to believe that A is about to assault Z. A has made shew of assault.

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to assault Z. A has made shew of assault.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A, could in no case amount to shew of assault, and though the mere gesture unaccompanied by any other circumstances, might not amount to shew of assault, it is nevertheless possible that the gesture explained by the words may be shew of assault.

We give a few more illustrations :

*Illustrations.*

(a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

(c) John Smith cheats by calling himself Thomas Brown. John Smith cheats by personation.

(d) A cheats by taking the title of Rajah, having no right to that title. He cheats by personation.

(e) John Smith cheats by falsely calling himself Lieutenant Colonel John Smith. He cheats by personation.

(f) Doctor Smith cheats by dropping the addition of Doctor. He cheats by personation.

We would ask our readers which is the worse to cheat by ring dropping, or "doctor" dropping? But trifling and ridiculous as is this plan of "illustration," the Law Commissioners are not even masters of the contemptible craft they practise. Doctor Smith does not in the case above put, cheat by "personation," he cheats by concealing his own identity.

In a word we consider this "Code" as the most pitiable effort at legislation that was ever ushered into the world. The A. Z. illustrations, it is true, are happy inventions ; admirably adapted to the body of laws, which, in fact, is itself, "a superfluous and unnecessary zeal."—*Herald, Jan. 14.*

"Lucky Tom Macaulay!" so exclaimed the London press, when the job upon which he was sent to India was first announced ; and we echo, lucky Tom Macaulay ! now that it has been perpetrated. Lucky Tom yesterday embarked under the usual honours, the fort thundering, and the band vigorously playing "money in both pockets," but though he is gone, unlike the quadrupeds of

"Little Bo-peep  
Who lost his sheep  
And did, not know where to find them.  
Leave them alone  
And they'll come home  
And bring their tails behind them,"

he has left his tail in the shape of a code as a legacy to India, as the equivalent of four lacs of rupees, and who will deny the bargain was a good one ; and that he was, and is, and ever will be, "lucky Tom Macaulay."

The code itself we shall discuss, however, with the strictest impartiality, neither sparing its faults, nor denying its merits ; however, dearly purchased.

One criticism will not be the less valuable, because it separates the grain from the chaff,

and admits much that is excellent in theory and desirable in practice ; there is, however, one point in "lucky Tom's" career, which has never, we believe, been noticed. It was originally intended that his introduction to a seat in the Council Chamber should be considered as the breaking up of the system of exclusiveness in the constitution of the Supreme Council. Formerly a civilian was only *de facto* eligible ; the Commander-in-Chief being a cypher in all cases not of a military or political character, and frequently in the latter also. The innovation, therefore, was great and viewed with alarm in Leadenhall-street ; and an intrigue followed which led to "Tom's" becoming a voteless member on all matters not legislative. Of course, his functions were pared of more than half their utility, and his personal dignity somewhat lowered ; and it was surmised at home that he would have resigned. Not so, "lucky Tom." He reasoned much more wisely and to the purpose. Although his duties were cut down, his salary was not ; and he laughed at the idea of his throwing up a good thing, "a la mode" of Sir Charles Matcalfe, because the 24 gentlemen of Leadenhall street, had put an affront on him. "Tom" was right.

"Populus me sibilat ; at mihi plaudo."

*Ipe domi, simul ac nummos contemtor in arc."*

The press, the public, all classes, and castes seem to possess a most wonderful spirit of unanimity in their "farewells" to the great editor. He went, and there was none to say "God bless him."—*Murkaru, Jan. 15.*

The mode which was adopted for the publication of the new P. nal Code, that is to say, bit by bit, chapter by chapter, taken indiscriminately from the body of the code itself, we have already pronounced unfavourable to a due estimate of the work as a whole ; and when we received a copy of the entire production, it was our intention to sit down gravely and sedulously, to take a full and comprehensive survey of its general merits as a work, complete and entire in itself. But we found, to use a vulgar expression, it would not do. The compilation is such a thing of shreds and patches, and the patch work is here and there arranged in such ludicrous shapes, and cast into such very ridiculous positions, that it is impossible for the gravity of criticism to pursue the even and dignified tenor of its course. We should like to test the virtues of the celebrated cave of Trophonus, by submitting the muscles of one, freshly arrived out of that laughter-quelling abode, to the operation of the following "illustration."

'A, with the intention and knowledge aforesaid (i.e. with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused) relates agitating tidings to Z, who is in a critical stage of a dangerous illness. Z dies in consequence, A has committed the offence of voluntary culpable homicide."

Now, heaven forbid that we should make the bed of sickness, or the outraged or lacerated feelings of an invalid a subject for mirth; suffering should always be sacred, even from ridiculous protection of such a law as this, which it is impossible for any, court of justice that ever did, does, or will exist to carry into execution. How is it possible, till men carry a window in their breasts, to tell what is the real intention of a party in communicating "agitating tidings," or what amounts to the same thing as far as human adjudication goes, of finding plausible reasons for making such communications? Besides, it is impossible to tell whether such communication will be injurious or not, or indeed whether the supposed "tidings" will or will not prove agitating. To illustrate the matter, after the olden fashion, suppose A lies dangerously ill, B receives news that A's sister has just died; now whether this shall be so agitating as to cause or hasten A's death, depends upon circumstances of which it is impossible for any court of law or equity to take cognizance of, namely, the precise degree of affection entertained by A towards his late sister; the strength of A's mind; the religious feeling and belief of A; his precise notions respecting a future state; his estimate of the value of this present life—and all this must be known, not as they may be judged of by A's ordinary manner and behaviour, but as they are known (we speak with reverence,) to God himself. How then is it possible for a mortal jurisdiction to take cognizance of such an offence as is described in the illustration which we have cited above? As we have put an A B case after the olden practice, instead of an A Z case *new style*, we will furnish an illustration from the work of an author very well read in human nature, and from whom we have, by a singular coincidence of opinions, been led to make frequent quotations, when commenting on the productions of Mr. Macaulay. Let A represent Allworthy, and B represent Blifil, and the case of Allworthy and Blifil, is an A B case exactly in point, or, as the lawyers have it, that runs on all fours with our case above supposed. Allworthy is on his sick bed, has just been pronounced in great danger, has assembled his family around him, has delivered his last and dying injunctions, and exhausted by the effort falls back upon his pillow, and seeks to compose himself to slumber. At this critical juncture arrives lawyer Dowling, on urgent business,—the man whose business was so various and extensive, that he required to cut himself into four quarters, to discharge it. Allworthy faintly desires Blifil, as he had transferred over to him all his worldly affairs, to communicate with lawyer Dowling. Blifil obeys, and learns from Dowling, among other things, that Allworthy's sister had just died at Salisbury. This, as the brother and sister had always lived together on kind terms, may be considered as "agitating tidings;" and this does Blifil determine to communicate to Allworthy at this critical juncture, notwithstanding the vehement remonstrances of the

doctor in attendance. Well, Mr. Macaulay, will say, and Blifil deserves to be hanged; and so he did without any manner of question; but let us see how very easily he removes himself out of the jurisdiction of all human adjudication, and makes it a question entirely between himself and his own conscience.

"It was now debated whether Mr. Allworthy should be informed of the death of his sister. This the doctor violently opposed; in which, I believe, the whole college will agree with him: but Mr. Blifil said, he had received such positive and repeated orders from his uncle, never to keep any secret from him, for fear of the inquietude which it might give him, that he durst not think of disobedience, whatever might be the consequence. He said, for his part, considering the religious and philosophic temper of his uncle, he could not agree with the doctor in his apprehensions. He was therefore resolved to communicate it to him: for if his uncle recovered, (as he heartily prayed he might) he knew he would never forgive an endeavour to keep a secret of this kind from him."

Now, setting aside the arguments in favour of this determination, of the pious Thwarkum, and philosophic Square, how were it possible, supposing Allworthy had died, (which however according to the story was not the case) to say that B, that is Blifil, did not act from the motives he alleges? To legislate criminally about "agitating tidings" in a fit of sickness is puerile beyond all example. There are states of sickness, of hypochondrium for instance, when to communicate "agitating tidings" would be to administer the most salutary medicine. So much must depend upon that which no one can judge of with certainty, that it is futile and absurd to talk of the probable effect of tidings of any kind upon an invalid. A mother lying ill and given over by her physician, may, if she be of an enthusiastically religious turn, hear not only without agitation, but with calmness and even joy, that her only child is dead; a father who thinks himself dying may learn with satisfaction that his son has fallen bravely and honourably fighting his country's battles. Indeed, as we feel ourselves bound to express a serious opinion upon such trifling, with the sharpened sword of criminal legislation. We cannot help thinking that there is a degree of irreverent attempt exhibited in such enactments, to take the work of retributive punishment out of the hands, as it were, of Providence himself, which no wise legislator will ever presume to attempt. We all assent to the position that a wretch who allows his benefactor to starve, is far more deserving of punishment than a needy vagrant who pilfers from wealth some small portion of its superfluity; but no wise legislator attempts to punish ingratitude; it lies beyond his function: he cannot reduce it to any definite principles. He abhors, he detests it; but he attempts not to punish it—he knows that it must be left entirely a matter between the ungrateful man and his own conscience.—*Hurkaru, Jan. 25.*

In the extract from the code, published by us yesterday, and continued to day, the rea-

der cannot fail to observe, that the Commissioners appear to entertain opinions on the question of murder, greatly at variance with all existing law; and as we think, greatly at variance with what should be law, the well being, peace, and good order of society considered. The Commissioners have modified the old law, affecting death caused by the irritation, and sudden violence elicited from the offender by provocation. According to the English law, very little latitude is allowed to heat of blood, as a justification of murder—and, according to us, it appears, that on this point the less scope given for the working of the passions the better.

No system of law, at present existing, extends any indulgence to homicide, the effect of anger, excited by words alone. And, generally speaking, no indulgence is extended to offences of this description, unless the provocation was such, as might in reason be expected to transport the party provoked beyond all reasonable control. The cases of provocation, admitted by the law as at present existing, within this "pale" are of the most violent and irritating nature. By the law as laid down by the Commissioners, much greater latitude is given to persons to follow the blind impulse of rage, and its consequences upon society would, we fear, be productive of the worst effect. The object of the law of England and France, is to prevent, as far as possible, parties insulted from taking the law into their own hands; and humanity and religion, to say nothing of expediency, alike inculcate the necessity of protecting life under such circumstances. What can be more impolitic, than to permit by law, the loss of the life of a valuable member of society, because in a fit of weakness or of passion he irritates another man, so as to induce him to attempt his life. The law of most countries considers the discovery of adultery *fragrans delicto* in his wife, by a husband is an adequate cause of provocation, and the slaying of the paramour by the husband is manslaughter, and not murder. To this the Commissioners object, that there are plenty of other causes, equally likely to engender intense irritation, which ought to have an immunity from capital punishment, and the Commissioners then proceed to place a father in the case of his daughter being seduced and a brother in the event of the same offence being committed on a sister, as equally entitled to indulgent consideration.

Also do the Commissioners consider indecent liberties take with females in the presence of their father, brother, husband or lover! as a sufficient provocation, entitled fully to as much protection, as the detection of the wife by husband, &c. And again, the loss of caste to a Rajpoot, the thrusting of the head into the covered palankeen of a woman of rank. All this is provocation of the highest class, and goes far, say the Commissioners, to extenuate the offence of murder!!! The above examples, are one and all we think worthy of the three notes of admiration, with which we have pointed them. The offence of taking life

under this law will be multiplied to the  $\pi^{\text{th}}$  as the algebraists say; and any little vivacity of manner towards females in the presence of a father, brother, husband or lover, (why not of a mother?) will cause the offending party to brake the stab. Truly this is "Cutler's law" with a vengeance.

The objection to all this is, that it knocks up all due proportion between offence and punishment, and puts the security for life on the most dangerous footing. In addition to the recklessness with which life is jeopardized, there is an absolute want of moving inducement to frame this law, which has apparently escaped the notice of the Commissioners. The native customs render the taking of improper liberties with females in the presence of their relation, a matter out of the question, and it certainly would be very hard that a murderer should escape punishment for killing Jack Bunce, or Jack any body else, who, when in his cups, or in a frolic, should thrust his head into a woman's palankeen in the presence of her male relations, or because, the aforesaid Jack Bunce, in course of his perambulations, should take it into his head to break into a straw hut, and put his arm round the waist of its female tenant, with a view to a salute, in the presence of the gentleman of the mansion. That a desperate ruffian such as Wat Tyler, a great radical of his day, should have knocked out the brains of the officer levying a capitation tax, is assuredly a curious reason for the immunity to homicide contemplated by the Commissioners. In the first place the fact itself is rather questionable; and it is uncertain whether indignation against the officer, arising from political feeling, in the mind of a man so violent as Wat Tyler, did not produce the blow of the hammer, and not any virtuous indignation at the liberty taken with the girl; and, secondly, if in the framing of a law, for the well-being of the community, the tastes and ruffianism of such fellows as Wat Tyler are to be consulted, instead of the incidents likely to result from the feelings and opinions, and mode of action of the quiet, orderly, and well disposed portion of society being taken into consideration, why it appears to us, that the Commissioners had better betake themselves to the Allipore jail, and select their instances of the standard opinions, feelings and prejudices of mankind, from the evidence of the amiable inmates of this asylum of rogues. They would then only be legislating for the exceptions, instead of for the general rule; and that is what it appears to us, they have been doing throughout the code.—*Courier, Jan. 25.*

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*To the Editor of the Englishman.*

I said, Mr. Editor, that nonsense came beautiful on my view. Take the following specimens:

"It would, we think, be mere useless cruelty to hang a man for voluntarily causing the death of others by jumping from a sinking ship into an overloaded boat.

This is capital ; but would any man readily believe that the Law Commissioners actually proceed to *reason* on the propriety of not hanging a man, who, when the ship is sinking, tries to save his life by jumping into a crowded boat!!! But let me give the passage which immediately follows the one above. "The suffering caused by the punishment is considered by itself an evil, and ought to be inflicted only for the sake of some preponderating good. But no preponderating good, indeed, no good whatever, would be obtained by hanging a man for such an act. We cannot expect that the next man *who feels the ship in which he is left descending* into the waves, and sees a crowded boat putting off from it, will submit to instant and *certain* death from fear of a remote and contingent death."

Did mortal man, Mr. Editor, ever read such rubbish and helpless drivelling? But look a few lines on "a gang of decoits finding a house strongly secured, seize a smith, and by torture and threats of death induce him to take his tools and force the door for them. Here, it appears to us, that to punish the smith as a *house-breaker* would be to inflict gratuitous pain!"

Dear me, Mr. Editor, how beautiful it is to contemplate the benefit that science will derive from the discoveries of these men :

The longitude misad on  
By good Doctor Whiston,  
And not better hit on  
By sweet master Ditton,

will assuredly fall to the lot of these gifted Law Commissioners if they go on with discoveries such as these. But Sir, it is impossible to open this code anywhere without stumbling on enactments either arbitrary or absurd, and very often containing a good deal of both. Let me open the book at random. Where do I find myself? In the chapter of "mischief" the following meets my eye : - "404. Whoever commits mischief, intending thereby to enhance the value of any article, or directly or indirectly to effect the event of any competition so as to cause gain to any person, shall be punished with imprisonment on either description for a term which may extend to two years or fine, or both."

#### ILLUSTRATION.

"A and Z are competitors for an agricultural prize. A knowing that a cow belonging to Z, is the finest that is likely to be exhibited, poisons it, in order to secure the prize to himself. A has committed the offence defined in this clause."

No doubt, Mr. Editor, that an act like the above is a very serious offence, but it is somewhat singular that when these learned Thebans were thinking of a cow or a calf, alliteration did not call their attention to the majesty of a cauliflower or a cabbage. Undoubtedly, Mr. Editor, if a cow-cabbage were destroyed, inasmuch as in size it equals the cow, so the punishment in extent should likewise be equal!

But to make the punishment for killing a cow or cutting off the head of a cauliflower, two years' imprisonment, and to superadd to that a power in the Government of banishing the party under the 44th section, is something more than ludicrous.

But let us go on, and in the very next clause we find :

"405. Whoever commits mischief with the deliberate intention of thereby insulting or annoying the person to whom he intends to cause wrongful loss, shall be punished with imprisonment of either description which may extend to two years or fine, or both."

Were enactments, Sir, ever penned so ludicrous, so arbitrary, and so absurd? But what comes next.

"406. Whoever commits or attempts to commit mischief by killing, wounding or poisoning any animal or animals to the value of ten rupees or upwards, shall be punished with imprisonment of either description, for a term which may extend to two years or fine, or both."

So if a man cuts off a squirrel's tail, or kicks a cur down stairs, he may be imprisoned for two years, and under the 44 section be banished at the will of the executive! Yet the Law Commissioners are hardy enough to affirm in their notes to the chapter on punishments that their code will be considered to err on the side of humanity!! But I throw down my pen, for I am quite sick of commenting on such helpless exhibitions of injustice and imbecility.

Englishman, January 26.]

MARCUS.

We publish this evening a portion of a fresh chapter in the code, upon which on some other occasion, we will offer a few observations. At present a portion of the code, which possesses some public interest to our European fellow-subjects, has just fallen under our observation, and as we think the commissioners have taken a very unnecessary, and uncalled-for step, and likely to be productive of not only the greatest hardship, but illegality also towards Europeans, we do not apologise for bringing it to the public notice, in the hope, that this chapter along with its sisters, will be subjected without mercy, to the pruning and lopping operations we anticipate for the code generally, at the hands of the council. The chapter in question is headed, "Of illegal entrance into and residence in the territories of the East India Company."

Now by the charter, the licence to Europeans to come into, and reside in, a certain portion of the territories of the Company, was given generally, and the necessity of a licence from the Court of Directors wholly done away with. To us it appears, that the commissioners have not only re-established it, but re-established this repugnant prohibition with a degree of severity, altogether repugnant both with law and humanity. Previously to the charter, deportation was the worst that could happen to a British subject residing without a licence. He was liable to be turned out, and his property ruined, that was all. The commissioners have to all this added fine, and banishment for life, or for any term, or with simple imprisonment for a term which may extend to one year to which banishment or imprisonment and fine may be added!!

We have ornamented the above singular provision with italics, and notes of admiration. Our readers moreover must recollect, that wherever in the code, fine is imposed

without the amount being specified, that in such case the fine is like *loo*, unlimited.

So that we recommend it to our fellow-subjects to look about them, before they venture to settle themselves without looking well into chapter 16 of the code.

We publish clauses 81 and 82 of the charter :

"LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a custom-house establishment within the said territories and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the Government of the said Company on the first day of January one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of his Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the customs or other officer authorized for that purpose at such port or place as aforesaid,

"LXXXII. Provided always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said Company and others now lawfully authorized, to reside in the said territories to enter the same by land, or to proceed to or reside to any place or places in such parts of the territories as are not hereinbefore in that behalf mentioned, without licence from the said Board of Commissioners, or the said Court of Directors, or the said Governor General in Council, or a Governor or Governor in Council of any of the said presidencies for the purpose first obtained: Provided always, that no licence given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked unless in accordance with the terms of some express clause of revocation or determination in such licence contained."

By this it appears, that an European may settle in India, provided that he shall, on his arrival, send in his name, place of destination, and objects of pursuit, to the chief officer of customs, of the place at which he shall arrive. By chapter 16 of the code, clause 289, the omission to send in his name, which is not made an offence by the charter, is punished with a fine of a thousand rupees! This our readers will admit is *un peu fort*, on the part of the Commissioners; if an European on his arrival do not comply with the provisions of the charter, why he has not perfected his right to reside, and may be sent away; and that is a sufficient punishment for his negligence, or ignorance, in not reporting himself. But then the code goes on to say, that, whoever is a British subject, and not having a licence! (which is not necessary under the charter) enters or resides in a certain part of the said territories, shall be punished with imprisonment for three months, or with fine, which may extend to 2,000 rupees, or with both! and whoever commits the offence a second time, shall be banished for life, or imprisoned and fined to the tune of 2,000 rupees! So that if a British subject, come to Calcutta,

neglect to report himself to Mr. Richard Walker at the custom-house, and then proceed into the *mofussil*, where he may be caught alive, he has thereby subjected himself to three months' imprisonment and a fine of 2,000 rupees.

So much for the humanity of this chapter of the code, now for its illegality. By the 81st section of the charter, the British subject arriving by sea, has a right to reside and travel about, provided he report himself to the authorities on his arrival; by the 82d clause of the same Act of Parliament, British subjects may enter the territories of the Company by land, but they must have a licence from the Board of Control, or the Directors or the Governor General, &c. But by the 83d clause the Governor General in Council, may declare any place or places in the Company's dominions open to British subject, who then under the act are at liberty to reside, travel, &c. in such dominions, at their free will and pleasure; without leave or licence from any one.

Now it is quite clear that under clause 81, a great portion of India is already open to the European, and he may therefore enter it either by land or sea, and travel without a licence. There is no portion whatever of the territory, as far as we know, from which the European settler is excluded by any law published. On the contrary, the whole of the dominions of the Company, under their rule on the 1st January 1834, are open to him, and until any prohibition excluding him from certain districts issue, he may come overland and without leave or licence, wander whither, or reside where, it shall please him. This privilege he enjoys under the Act; and how the commissioners propose to inflict transportation for life, fine, and imprisonment on any individual British subject, for exercising a privilege given to him by an Act of Parliament, passeth, our comprehension. That the Indian legislature can create offences, and repeal certain portions of Acts of Parliaments experience has proved; but that it can (we of course do not assume that it will) inflict punishment for the exercise of a privilege conferred by an Act in full force and operation, we do not conceive, and such is the course nevertheless attempted to be chalked out by the commissioners. That this absurd chapter will undergo great modification is a matter of course; but if we are not egregiously mistaken in our construction of the clauses 81 and 82 of the charter, it is quite clear that the commissioners are most egregiously so, and the more's the pity, say we.—*Courier*, Jan. 30.

#### CHAPTER XV. OF OFFENCES RELATING TO BELIGERION AND CASTE.

*To the Editor of the Reformer.*

SIR,—I have much pleasure in sending you a report of a special meeting of the *Dharmo Sabha*, held on the 7th of January 1838.

QUIT.

At an early hour in the evening the members of the *Dhurmo Shubha* had collected in great numbers, and soon after Baboo Bhobanagurn Banerjee, the secretary to the *Shubha* moved that Rajah K— Babadoor be called to the chair, which being unanimously carried, the Rajah Bahadoor took his seat amidst loud cheering and deafening peals of *hurry bole*, from the assembly.

The chairman read the following requisition of the secretary, by which the meeting had been convened.

Dharmika gentlemen, I am desired by several members of the *Dhurmo Shubha* to request the favour of your attendance at a special meeting of the society, which will be held at the *Chundrika Press*, on the 7th instant, at 4 p. m. to consider the propriety of presenting a laudatory address to the Honourable T. B. Macaulay, the fourth ordinary member of the Supreme Council, and author of the Penal Code, on the subject of the just and humane enactments contained in its fifteenth chapter which regards offences relating to religion and caste, and of electing that gentleman as an honorary member of the *Dhurmo Shubha*.

The secretary then addressed the chair. It is well known to you, Dharmika gentlemen, that according to the shastras, our holy religion has now for ages continued to suffer the baneful effects of the *Kuliyong*. That after the persecutions by the Mahomedan conquerors of India, the English another race of *mleches*, wrested the sceptre from their hands, and though not so sanguinary as their predecessors, have nevertheless done all they could to overthrow our most sacred institutions, not only by sending among our poor ignorant countrymen wily missionaries, whose professed object is to pervert their faith; but also by means of establishing numerous English schools in every part of the country, especially the Hindoo College in the very midst of us, the direct tendency of which, as you all know too well, is to sap the very foundation of our religion. These institutions, and especially the Hindoo College, have already done incalculable mischief. Thousands of the children of respectable parents, who ought to have been an honour to their fathers, by being the foremost in support of our ancient sacred institutions, have imbibed, in those hot beds of infidelity and profaneness, notions of the most strange kind. They, it is too true, make it a merit to deride the rules of caste, mock at our gods and the brahmins, and having polluted their own lips with things forbidden and unholy, do all they can to pollute others, whom they deceive into acts of impropriety, which are attended with the loss of caste. Indeed, this evil has of late become so extensive, that we scarcely know with whom we can associate without prejudice to our caste, and the very foundations of our holy religion seem to be attacked by those who, but for the pernicious system of English education, would have been its chief pillars.

In the midst of these heart-rending scenes, we are cheered with the dawn of a law which

is to protect our tottering religion, by punishing with severity every infidel who dares to profane the rules of caste, by eating the forbidden things, and then associating with those who are holy and unpolluted.

But why do I complain of the conduct of silly boys, whose precocious attempts to teach wisdom to heads grown grey with the wisdom of our ancestors, we shall now be able easily to frustrate by legal measures? The acts of the Government itself are arrayed against us. Need we quote an instance? The suttee regulation, past by that would be liberal Governor General Lord William Bentinck, at the suggestion of that infidel party at whose head the late Rammohun Roy (justly punished by the gods with death in the *mlecho* land) stares us in the face. What right had he to interfere with the performance of our religious rites—with our sepulchral ceremonies? In the preamble of that most profane act of legislation, he had the effrontery to tell us that "the burning or burying alive of the widows of Hindoos, was revolting to the feelings of humane nature, and no where enjoined by the religion of the Hindoos as an imperative duty." Who, I ask, made his lordship the judge of our feelings? who gave him a diploma of Hindoo theology, and thus enabled him to determine what is enjoined by our religion? In clear juxtaposition to presumptions like these let us place the just and wise opinions of our present Law Commissioners. In their commentary on the law in question, they say, "the question whether insults offered to a religion ought to be visited with punishment does not appear to us at all to depend on the question whether that religion be true or false. The religion may be false; but the pain which such insults give to the professors of that religion is real." Here the personal feeling of the sufferer is recognized, and the spacious but undefined principle of humanity so pompously paraded in Lord Bentinck's preamble is disregarded. On this just principle then, our Law Commissioners, with the honourable Mr. Macaulay at their head, proceed to enact, that "whoever commits any trespass on any place of sepulture, or offers any indignity to any human corpse, or causes disturbance to any assembly assembled for the performance of funeral ceremonies, shall be punished." Now, gentlemen, after the passing of the above provision into law, should any magistrate or other person interrupt the funeral ceremonies in which a suttee is about to be immolated, we can tell him, by virtue of this law, to desist from such profanation of our holy rites, under pain of the punishment therein denounced. For let it be remembered, that the question is not whether the suttee rite is considered right or wrong by our rulers; but whether we who practise the rite, will feel pained if it be disallowed, and the widow who was just about to be immolated on the funeral pile of her deceased husband, snatched away from the flames. Who is here that will not feel shocked to see such works of infamy practised? and, therefore, gentlemen, such interference would be con-

trary to law. Now as the latest law, if opposed to any that existed before, is believed *ipso facto* to supercede the latter; we conclude that the enactment of the law in question would be a virtual rescindment of the suttee regulation,—yea! it is the granting of that great boon which we have been in vain soliciting for so many years! and to obtain which we sent an agent to England at so much expense!! It is indeed the dawning of a new day, of which the honourable Mr. Macaulay is the morning star!! It is therefore our paramount duty to hail this luminary or legislation with the most enthusiastic applause, to present to him an address expressive of our gratitude for the blessing he has conferred on us, and to admit him as an honorary member of this holy society. It is true he was born and brought up in the land of mleches: but his principles and professions which are quite Hindoo, are sufficient to support my proposal.

The secretary sat down in the midst of deafening cheers and *hurry boles*, from all present.

Baboo B. C. Gangoly next addressed the chair; adverting to the remarks of the last speaker on the subject of the injury which the young men brought up at the Hindoo College and other public English Seminaries, inflict on society, by robbing its best members of that most invaluable quality caste, I beg to draw the particular attention of the meeting to the 284th clause of the code, in which it is provided, that "whoever, with the intention of causing any person to lose caste, does any act which causes that person to lose caste, or induces any person to do ignorantly any thing whereby that person incurs the loss of caste, shall be punished." In illustration of this enactment, it is stated, that if "A with the intention of causing Z, a brahmin, to lose caste, mixes beef-broth with Z's food, Z swallows it in ignorance, and thereby loses caste, A has committed the offence defined in the clause." Instances of this kind occur daily among us, and the miscreants who commit such crimes always escape with impunity under the existing laws, and laugh at us. Most of the Hindoo college boys, and even many wealthy and respectable Baboos, have privately apostized from their religion, and eat the forbidden food with the mleches and Mussulmans. To eat any thing touched by such apostates is attended with the loss of caste; and yet these apostates, regardless of our caste, often eat with the best of us without informing of their apostacy. The eating of things touched by these people is as injurious to caste as the eating of the forbidden meat mentioned in the illustration; and therefore the deception in the one case is as complete as in the other, and the loss of caste being the consequence in both, both species of crime will be punishable by the proposed law. After that law is past we shall be able to indict these infidels who call themselves the enlightened natives, by scores every day, and if a few months put a stop to their sacrilegious practices, restore our religion to its ancient purity, and the rules of caste to their

pristine glory. Such, gentlemen, are the important results, we expect from the new code prepared by the honourable Mr. Macaulay. Who then will not join our worthy secretary in all that he has proposed?

Rajah R.—Bahadoor next rose. The two last speakers have already said more than would suffice to induce us to pay to the honourable Mr. Macaulay the tribute of gratitude and respect they have proposed, yet I feel it my duty to bring to your notice another very important provision of the code. The secretary, in his speech, alluded to the attempts which the missionaries have been making to pervert those who follow the religion of their forefathers; but he has only alluded to that pernicious system of proselytism. I intend to shew you, gentlemen, that Mr. Macaulay's provisions in this regard, if passed into law, will enable us easily to bring most of these clerical mischief-makers under the corrective rod of law. Clause 282 of the code provides that "whoever with the deliberate intention of wounding the religious feeling of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished." Few can mistake the obvious meaning and intention of this provision; its words are clear and distinct;—"no words should be uttered to wound the religious feeling of any person." There is no misinterpreting this clear law. Now the professed object of the missionaries is to denounce our religion as idolatrous, superstitious, and false; nay, they go further, and in public places tell us, that our gods have been guilty of actions which man ought to be ashamed to commit. Will any one present say that expressions like these do not wound our religious feeling? Place your hand on your breast, and say, whether any of you could hear such blasphemy without being hurt in the most sensitive part? This being the case, the whole of the missionary work comes under the operation of the provision I have brought to your notice, and can be easily punished by legal proceedings. I have carefully looked over the commentary on this clause, and find that though at first sight it may seem to modify the force of the provision, yet a little reflection will show that there is nothing in it that can hinder an action being maintained against a person who would blaspheme against our religion in the manner that the missionaries do. Indeed, if these interlopers wish to avoid the just punishment of the law, they must forego speaking in the strain they have hitherto adopted, when in weighing against our religion: indeed they must cease to tell us that our religion is false and superstitious, and our gods perpetrators of shameful actions; for these denunciations do wound our religious feeling. Now if they dare not tell us these things, they might as well shut up shop and go back to their native land, leaving us in the uninterrupted enjoyment of the religion of our ancestors. Thus you see gentlemen, that Mr. Macaulay's code will effectually guard our

religion against the attacks of the missionaries.—Hurry bole, Hurry bole, from all sides

Baboo B—Mittre was the next that addressed the assembly. The language in which he spoke was flowery in the extreme, and contained so many Sanscrit phrases, &c. that we who are no scholars in that language could not follow him up. We, however, understood him to support the views of the foregoing speakers with many quotations of learned length and thundering sound.

One of the pundits, Heroonauth Turkobhoo-sun said, from what had fallen from the Gangoly Baboo, he apprehended, that many who had married into koolyn families not being themselves equal in rank to those families; but pretending to be so; and had thus deceived them into an alliance which was derogatory to their kool or purity of caste and to that of their posterity, had certainly inflicted a deep injury on the family, for which there was no punishment. But he was rejoiced to find that the new code would not only protect the institution of caste in all its purity, but even the koolyn system, which was the glory of the Bengal brahminical order.

*Sadhoo-Sadhoo!* burst forth from the assembly, and the learned speaker resumed his seat in the midst of much applause.

Joygopal Turkolankur, another learned pundit, next addressed the meeting.—From what I have heard from the foregoing speakers, I am no less overjoyed than confounded. Our sacred Poorans, you all know, mention the *kully yooq*, in which we have the misfortune to be born, as the iron age, and foretell that as it advances, sin and wickedness of all sorts will multiply, religion will be degraded, and all its most sacred institutions condemned. But here, instead of finding these prophetic announcements verified, we see in the *kully yooq* a golden age about to return. Under the auspices of even a native of the mlecho land, our religion and its rites are likely to be restored to their former vigour. This is no less joyful than unexpected and surprising. Surely we have misunderstood our shastras in those parts which treat of the effects of the *kully yooq*.

Another pundit, Ram Manika Biddiah Lunkar, endeavoured with the help of several Sanscrit quotations to explain the point mooted by his learned brother who preceded him. But being at a great distance from the speaker we could not take down all he said.

The secretary to the Shubha informed the meeting, that in anticipation of the turn which the business of the evening had taken, an address had been prepared, which he begged to be allowed to read. The following was then read:

To the honourable T. B. Macaulay, fourth ordinary member of the Supreme Council and author of a new Penal Code.

HONOURABLE SIR,—We the undersigned Hindoo inhabitants of Bengal, having heard of your intended departure, feel it our duty to approach you with this address expressive of our gratitude, for the protection you have afforded to our holy religion against the ma-

chinations of missionaries and other infidels of various denominations, who, for a series of years, have most strenuously endeavouring to annihilate Hinduism from this land. Your predecessors in Government, we regret to state, being swayed by a spirit of sectarian bigotry in favour of the Christian religion, had endeavoured, by establishing various institutions ostensibly for the enlightenment of the people of India, but in reality for the perversion of their religion, to overthrow our most sacred institutions. Nay, one of them, Lord William Bentinck, went even so far as to interfere, in the most arbitrary manner, with our sacred funeral rites, and caused a law to be passed for preventing the immolation of Hindoo widows on the funeral piles of their deceased husbands. By these means the children of the most orthodox members of our community were perverted, and became so tainted with infidelity as to treat our temples and images with disdain, and the holy institutions of caste with contempt, despising the wholesome advice of their parents, and having polluted themselves by eating the forbidden things, became the instruments of pollution and loss of caste to their parents and relations. Such are the evils to which we have hitherto been subjected; but from which, under your glorious auspices, we are likely to be emancipated. The wise enactments which your Penal Code contains, under the head of offences relating to religion and caste, amply provide for the eradication of the evils we have enumerated, and afford us the cheering prospect, that when your code becomes a part and parcel of the laws of this land, our religion will flourish afresh and be based on so solid a foundation that no attack of the missionaries or its other enemies will ever be able to shake the sacred edifice. For blessings so great as these, the least we can do is to express our gratitude to you, and to offer up our most ardent and sincere orisons for your welfare and uninterrupted happiness wherever you may go.

But whilst we rejoice at the great blessings you have conferred on us, our joy is clouded with sorrow at the prospect of losing you from amongst us. Would the gods of this land so order things that you may remain here to carry into execution the salutary laws you have framed for their protection, and for the support and promotion of our religion! But this blessing is in all likelihood denied to us; we must submit to be separated from one who has conferred on us such signal favours! We must submit to the decrees of fate!—but whilst we do so, we beg to assure you that to whatever land you may go, our good wishes will follow you there, and you will for ever live in our grateful remembrances, and in the remembrance of generations yet unborn. With these sentiments we beg to subscribe ourselves,

Honourable Sir,

Your most obedi. and grateful servts.

At this stage of the proceedings a good deal of desultory conversation took place, and the address underwent a few verbal modifications at the suggestion of the chairman.



It was then moved by Baboo Bhobaneychurn Bonerjee, and seconded by Rajah K. Bahadoor, that the address read be adopted—carried *nem. con.*

Baboo R. S.—now rose to address the chair,—Sir, it is with feelings of exceeding joy and gratification that I have watched the proceedings of this meeting from its commencement to the present period, and I assure you, gentlemen, that the sentiments which have been uttered are worthy of being recorded in characters of gold. I fully approve of all that has been said, and of the resolutions to which you have come. But there is one point, a very essential one, which seems yet to have been overlooked, I mean the provision of the ways and means whereby the law promulgated by Mr. Macaulay is to be kept in full play. This end cannot be accomplished without pecuniary aid. You will perhaps recollect, that in the early period of the British Indian rule, there was a court called the Zat Mall Cutchery, which took cognizance of religious offences, of questions relating to caste, marriages, &c. and that in 1828, the late lamented President of this Shubha endeavoured to revive it by offering a wholesome suggestion to the police committee. I would wish to see such a court re-established, and its expenses defrayed by levying a tax similar to the haldary or the marriage tax levied by Government, prior to 1772, at the variable rates of three rupees eight annas, and four rupees. The revival of a tax like this would afford ample means to the Government to establish separate and distinct courts for the purpose of trying cases, likely to become cognizable under the provisions of Mr. Macaulay's code. I therefore move that the Government be solicited to establish such a court, and levy the tax I have alluded to. Seconded by Baboo B. C. Ganguly, and carried unanimously.

Moved by Rajah K. Bahadoor, and seconded by Rajah R. Bahadoor, that the honourable T. B. Macaulay be elected an honorary member of the *Dharma Shubha*, carried *nem. con.*

Thanks were then voted to the chairman for his able conduct, and meeting dissolved, the members exclaiming with great exultation

ধর্ম্যএব ইতো ইতি

ধর্ম্মোন্নতি রক্ষিতঃ

তন্মুক্তিষ্যো নহন্তব্যঃ

মনুঃ

"Virtue being destroyed, will destroy its destroyer, —being preserved, will preserve its preserver. It must never, therefore, be violated."—*Munu.*

[*Bengal Herald*, January 30.]

We come now to the consideration of the chapter of the new code, which treats of theft. The Covert Act, it seems, which constitutes the "offence" of theft, consists in the "moving a thing"—we should have said removing a thing, but let that pass.

"363. Whoever, intending to take fraudulently any thing which is property, and which is not attached to the earth, out of the possession of any person, without that person's consent, moves that thing in order to such taking, is said to commit 'theft.'"

To this clause is attached certain.

"*Explanations.*—All things fastened to any thing attached to the earth, are said to be attached to the earth.

"A thing which is attached to the earth becomes capable of being the subject of theft as soon as it is severed from the earth.

"A moving effected by the same act which effects the severance may be a theft.

"The words to 'move a thing' include the cases in which a person causes a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing.

"A person who by any means induces an animal to move in a direction in which he intends to induce that animal to move, is said to move that animal, and to move every thing which in consequence of the motion so caused is moved by that animal.

"The consent mentioned in the definition may be express, or implied, and may be given either by the person in possession, or by any person having for that purpose authority, either express or implied, from the person in possession.

"A person may commit theft though he intends to restore the property after taking it."

And then follows a string of "illustrations," such as the following:

"(a) A cuts down a tree on Z's ground with the intention of fraudulently taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft."

Now we say that he has *not*, even by the code; for what say the explanations?

"A thing which is attached to the earth becomes capable of being the subject of theft, as soon as it is severed from the earth."

Constantly, therefore, with this "explanation" the tree which was before attached to the earth, as soon as it is cut down by A "becomes capable of being the subject of theft," and no more; and until A proceed to remove such tree, it is impossible to tell whether A intends to steal it or no. He may have cut it down from spite and anger, in revenge for some injury done, or supposed by him to have been done against him by Z. "Oh" but, says the commissioner, "he may have written to a friend that his intention was to cut down and steal A's tree." That is not the case put; but no matter, we say that even that would not help the matter. The code might as well say that a man as soon as he has broken into a house with a view to rob it, has robbed it; and according to this reasoning, if A break into Z's house with intention to rob it; the moment he sets foot in it he has robbed the house; and since having as yet taken nothing,

no particular object can be specified, therefore his robbery is general; that is to say, he has robbed it of every thing that is in it; so that, because he has taken nothing at all, he has taken every article in the house, from the lady's jewels and wardrobe to the shirt, that is on the gentleman's back. According to this kind of argument, if A snap a pistol at poor Z with intention to kill him, A has killed Z out-right, notwithstanding that Z is perfectly unhurt, and that the pistol was not loaded!—We think that the commissaire, who devised this method of taking the will for the deed, may well call out *ευρηκα*; he has discovered that which has so long been sought for by the friend of humanity and the legislator, and sought for in vain. He has discovered a method by which the deadly effects of duelling may be neutralized. Henceforth instead of recording in our columns the fatal result of an appeal to pistols, we shall have the far more gratifying task of penning such paragraphs as this, “yesterday morning a duel took place between Captain A and Mr. Z. The parties having taken their ground, Capt. A declared his intention to be to shoot Mr. Z through the head, and Mr. Z having made the same declaration, the signal was given, the parties fired, and both being killed, the seconds declared themselves satisfied, and all four went home to a cheerful breakfast together.” This we hope will be one of the happy results of the new code.

Let us take another “illustration.”

“(b) A pulls a bung out of a hogshead of liquor in Z's possession, with the intention of fraudulently taking some of the liquor without Z's consent. As soon as the liquor begins to flow, “A has committed theft.” Here we must again dissent from the code. A in this case has not committed theft, until he has actually received some of the liquor into his mouth, without the intervention of other recipient, jug, mug, or what not, usually employed in the conveyance of liquor to the mouth; or has received some of it in some such vessel by him employed for the purpose. Let us illustrate this illustration a little further, and we shall perceive the utter absurdity of this minute doctrine of ‘beginning to move.’ Let us suppose that at the moment, that A has ‘pulled out’ a bung from Z's hogshead of Hodgson's best ale, so placed as that the moment the bung is taken out, the liquor will ‘begin to move’ or, in plain language, run out of the cask. Now, let us suppose that just as A has pulled out the bung, he sees or hears, or fancies that he sees or hears Z coming with a big stick to defend his barrel, and therefore A scampers off, as fast as he can, without having had time to secure a single drop of liquor. Well, A having run away, and the ale having ‘began to move’ for want of a bung, which A in his hurry had forgotten to replace, the liquor continues to run and run—*labitur et labetur*, till the whole has escaped, or at least till the liquor within the cask has found the level of the bung-hole. Here according to the new code, A has committed theft, and actually stolen the whole hogshead of beer, although he never received a drop of it into his own possession. What cannot, cannot exist consistently with truth, cannot be all. We say that it is not true, to say that A in the above case has committed a theft. It is true that in common parlance, and in poetical language, poor Z, when he comes to discover his loss, may be allowed to exclaim in the anguish of his heart, ‘he has robbed me of my beer.’ We should not quarrel with Z for uttering such an expres-

sion, especially when lamenting him of so grievous a loss. What mattered it to Z whether A had pilfered it, or caused it to begin and continue to move, out of the embraces of the hoop-bound hogshead, and irrigate the barren and the thankless floor? Again we say, that Z is to be excused, if, in bewailing him of such a loss, he exclaims, ‘he has robbed me of my beer.’ But we will not allow such loose language to a legislator. Z has in the case above-committed no theft; he has committed an offence it is true and ought to be punished; but he cannot be punished for theft, seeing that he has stolen nothing.

The next illustration savors of the ludicrous.

“(c) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow A. Here if A's intention be fraudulently to take the dog out of A's possession, without Z's consent, A has committed theft as soon as Z's dog begins to follow A.”

The object of this illustration we suppose is to fix the moment when theft is committed, which we should think not very possible, without we could call in the evidence of Towzer himself. A has, in his great-coat pocket, some savory viands which he artfully places betwixt the wind and the canility of Towzer. The nostrils of Towzer being transported with delight, he begins to move towards A, but we should think it very difficult for any one to fix that moment. But let us suppose that whilst A is walking off, with Towzer nosing his great-coat pocket, Towzer's master appears upon the stage and calls his dog away from A's great-coat pocket. Now, according to the code, A has stolen Towzer; let us then suppose that Z charge him with “the offence” and accuses A under this clause, what will A say in his defence? We should imagine as follows: “you call this a bait for dogs. Why, it is my own dinner. It is not quite so good perhaps as *your* dinner, or even the dinner you give to *your dogs*; but it is the best I can afford. Steal your dog, indeed, why, it was your dog that wanted to steal my dinner; and most likely to snap a bit out of the calf of my leg. I charge you, under the new code, with letting go loose a furious dog “intending or knowing it to be likely to cause Z to believe that he (the dog) is about to assault Z.” Here the tables are turned indeed. Z becomes A, A becomes Z, and our old friend Z *primus*, instead of getting A punished for dog-stealing, falls himself within the penalties of the clause, which provides against “making ‘chew of assault’ by means of “a furious dog unmuzzled.” Poor Z! somehow or other he always comes off second best under the new code. By advice of the code he charges A with dog-stealing, and is himself trounced in consequence, by the very same code for “show of assault.” All this is enough to break Z's heart. But the code itself, strange to say, takes upon itself the burden of defining what is not theft, and nobody will deny that the following is *not* theft:

“(k) A delivers his watch to Z, a jeweller, to be regulated, Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed crimi-

nal trespass and assault, has committed no theft, inasmuch as what he did was not done fraudulently."

At this rate we may expect to be informed in some part of the code of the death of Queen Anne, that two and two make four, and that fleas are not lobsters.

Let us take another.

"(q) A and Z are gardeners. Z has reared a pineapple of extraordinary size, in hope of obtaining a prize. A takes the pineapple without Z's consent, produces it before the judges as his own, and obtains the prize. He then sends back the pineapple to Z. Here, as A took the pineapple fraudulently, A has committed theft, though he has restored the pineapple."

We should like to know whether the code means that the theft has been committed on the pineapple, the prize, or both. We should say, that A cheated both the prize-giver and and Z, that the taking the pineapple, was part of the means of effecting the cheat.

Take another.

"(t) A being on friendly terms with Z, goes into Z's library, in Z's absence, and takes away a book with-

out Z's express consent. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's books. If this was A's impression, A has not committed theft."

A is a great fool if he do not under such an accusation stick lustily by his "impression."

Take another.

"(u) A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft."

Next comes an illustration about naughty people, so we omit it.

This branch of "illustrations" of clause 363 extend very appropriately from A to Z, giving one illustration for every letter in the alphabet, in the manner of a apple-pie, b bit it, c out it, &c. and verily the code might very properly be bound up in the same volume, with that text-book of the nursery.—*Hurkaru, February 5.*

# THE CALCUTTA MONTHLY JOURNAL.

ASIATIC NEWS.

1838.

## VICTORIA BALL.

The long expected and much talked of VICTORIA BALL, was at length consummated last night. It had been for months in agitation, at one time laid on the shelf and like to expire, at another revived and newly invigorated; once we almost feared that it was doomed to be one of those many anticipated events which never advance further than the embryo; but now it has actually been perfected in the womb of time, has existed, and is departed—gone, gone to the sepulchre of the past. All the bustle, and turmoil and excitement is now over, the vesture-makers will have a little breathing time, the curious nothing further to enquire about—the mystery-lovers nothing to conceal, but the gossips plenty to talk about. A pageant of this elaborate nature has generally a fortnight's moral existence,—it exists a week in prospect and a week in retrospect. It has now become something to talk about.

Never in our recollection has the City-of-Palaces been more full of youthful beauty than it is at the present moment. Bright eyes and rosy cheeks, and pale ones too, which, to us, at least, are still more fascinating ("pale with high and passionate thoughts," as L. E. L. expresses it, in somewhat the same strain as that in which Shakespeare speaks of a cheek, "sicklied o'er with the pale cast of thought") and light forms full of grace and elegance, and sweet voices now abound every where. There was a time, when we eschewed society, and looked upon a Fancy Ball as nothing better than a "vanity fair;" but we honestly confess that we have been utterly unable to resist the fascinations of *this season*. Our social propensities have been called into action to a degree altogether unprecedented in a life, which has not been a very brief one. Who can remain at home when a —, and a \* \* \*, and a —, and \* \* \*, exercise their irresistible witchery in the mazes of the graceful dance? Not we—not we!—when we look around upon the throng of graceful, undulating forms which flit about like young Sylphides, the buoyance of our by-gone days, again invigorates our frames, and we fancy ourselves in reality young again, ever exclaiming in the words of a poet, whom we do not very often cite as an authority,

There's not a joy the world can give  
Like that it takes away.

Oh! indeed, when we look upon these fairy forms, we almost imagine that we have fallen into the hands of Medusa, who has cast us into her magic cauldron and made us young again. We have been before the public long enough to have been often cut up without the assistance of the sorceress.

But we must speak of the Town Hall. When we first entered it, we found ourselves in a very bower of roses, and we thought of Oberon and Titania, and the fairies of the "Midsummer's Night's Dream," though this, in truth, is mid-winter,—and we looked around for little Puck and his frolics, and before very long we discovered him in the shape of a two-penny Postman; and we thought of the "bower of roses by Bendemeer's streams," and of the nightingale who last sang the pretty song to us. When we arrived in the ball room, we were quite bewildered; we knew not whether we were in Greece, or Switzerland, or the Highlands of Scotland, or Fairy-land, or whether we were taking a part in a *tableau vivant*, representing an apotheosis of Walter Scott, such a diversity of mimic garbs were there present, so many costumes of different nations were making up the motley throng. We wish we could do justice to the assembled multitude, and give a correct account of the fancy dresses; but as we have been often told by one, whose dicta, are gospel to us, he who does his best

Does well, does nobly, angels could no more,  
we herewith begin our attempt.

Miss M. A. Ross and Mrs. Gordon, attired as Scotch lassies, are the first in order, to whom we must allude. Doctor Johnson said, that the only fine prospect which a Scotchman ever sees is the high-road which takes him to London; but the Lexicographer would not have said this, if he had seen such sweet Highland lassies in Scotland as we saw last night at the Town Hall. Towards the latter part of the evening a highland reel was danced in excellent style by the two Misses Ross, Dr. Stewart, Mr. Edwards, &c. The two gentlemen whom we have mentioned, were dressed in a corresponding costume, and admirably attired they were. Miss Erskine, as *Mary Avenel*, looked the lovely high-born damsel to perfection; but we should have thought from her grace and elegance that she had spent all her days in the "Court of Felician," and not in the rustic neighbourhood of the Scottish Monastery. The two Misses Godby, in Polish costumes, looked, as they ever do, very pretty and fascinating. Mrs. Parker was splendidly attired as Anne of Austria, and Mr. Parker, in one of the finest dresses in the room, supported the part of the Duke of Buckingham. Miss Trower was a pretty little Swiss peasant. Mrs. Pierce Taylor, and Miss Shaw were tastefully attired, as we think, but we may be wrong, in the costumes of the Tyrol, and Mr. Taylor looked as though he had just stepped out of one of Lewis's pictures. Mr. Bayley was very correctly attired as the Master of Ravenswood; Mr. Henry Palmer as Sir Giles Overreach; Mr. William Palmer as Rienzi, and Mr. Stocqueler as Angelo Colonna. Mr. Larpent, in a sumptuous

dress, assumed the character of Charles the Second. Mr Kaye, as Sir Pierce Shafton, dressed as Mysie Happer described him, (see Walter Scott's *Monastery*) talked Euphuism most vigorously; but his courtly pace was somewhat retarded by a very inappropriate limp; we suppose that this was occasioned by the *duello* with Halbert Glendinning. Mr. Wm. Bracken was admirably dressed in an Albanian costume and looked the character exceedingly well; and Mr. Wyllie, as an Austrian Officer, struck us as a capital personation. Mr. Cecil Trower was beautifully dressed in a Greek costume. Captain Colley, as Meg Merrilies excited our admiration; and a gentleman, whom he could not identify by reason of his huge proboscis, looked Punchinello to perfection. Robinson Crusoe, accompanied by a new Zealand chief, in the absence of his man Friday, were regarded with much attention and well sustained their characters. We observed Sir Callaghan O' Brallaghan amidst the assembled multitude and "a flaxen headed Ploughboy, who whistled o'er the lea," looking his character to admiration. Besides this there were a variety of Turkish, Greek, Swiss, and old English costumes, which we have no space to particularize, but we must not forget to mention one character, which was the *chef d'œuvre* of the night.

A very facetious gentleman, whose identity we were unable to decide upon, went about in the uniform of a two-penny postman, with a large leather bag and dák-wallah's bell, distributing letters to the fair ladies assembled. We were able to exert our influence so successfully, that we contrived to peruse a few of these epistles and, as far as our memory, which is fortunately one of the best, will permit us, we now present our readers with a transcript of them. The following was recieved by Miss Ross.

Scorn not our revels, Lady, for to-night  
Full many a gentle bosom with calm joy  
Is beating, as the joyous music swells  
And the gay dance progresses. Scorn not us  
Because we are arrayed in antic garbs,  
And for a little while have cast aside  
Our natural manners, striving to appear  
That which we are not; do not say that we  
Have ta'en our passage in "the ship of fools"  
Nor call us silly children; for tis good,  
Believe me, sometimes to unbend and cast  
The armour of our dignity aside  
Wherein we walk so stately—oh! 'tis good,  
Good for our hearts that we should sometimes fix  
Our thoughts on trifles which amuse the herd,  
And though we may be fit for loftier things  
Still sympathize with those gay souls who spend  
Day after days in unoffending sports,  
And feel no nobler yearnings; we can hold  
No commune with the multitude, nor give  
Our kindly, social sympathies full scope  
For action, if we move not with the throng,  
But hold ourselves apart and from afar  
Contemplate, with a grave, observant eye,  
Scenes, which we scorn to mix in—Thou art wise,  
And higher things engross thee than the dance,  
The masque, the revel, and the mimic show,  
But scorn not us poor Mountebanks, who strive  
Ourselves and others to amuse, deck'd out  
In garbs of quaint device.—One wisest man  
Full of philosophy has written thus:  
"The dignity of life is not impaired  
By aught that innocently satisfies  
The humbler cravings of the heart; and he  
Is a still happier man who, for those heights  
Of speculation not unfit, descends  
And such beign affections cultivates  
Amongst the inferior kinds"—

Lady 'tis true.

The next is an Acrostic, and therefore it would be needless to say to whom it is addressed.

M any an eye beams brightly here to-night,  
A nd many a face is radiant with delight,  
R oses and lilies here together vie,  
Y outh every where throws round its witchery.  
A nd yet there is not one, whom I can see—  
N o, no, not one, with look more full of glee,  
N or with a sweeter smile than I can trace,  
E ngraven on thy fair and speaking face.

R are is such kindliness, and rarer still  
O n the high summit of a towering hill,  
S uch bounteous verdure, such sweet flowers to see—  
S o plentiful is pride, so rare humility.

To Miss Erskine the following Acrostic was delivered; we particularly admire the bathos at the end, and if the poet's request was complied with, we are sure that he was better paid for his bardship than any Poet Laureate on record.

A nd are these scenes still fraught with heart-felt joy?  
M ethinks thou must be weary of them now—  
E ver the sweetest things are first to cloy—  
L ove, only love, excepted. On thy brow  
I mpressed, the characters of thought I trace  
A nd nobler yearnings speak from out thy face.

E xcitement quickly palls—the sower here  
R eaps nothing but disgust and weariness,  
S atiety and pain. A higher sphere,  
K ind and good Lady, waits thee—let thy soul,  
I n the gilt chains of pleasures stern controul  
N o longer fettered, dare a loftier flight,  
E nter the Heaven of thought and—

*Dance with me to-night.*

Miss Shakespeare's hallowed name seems to have originated the following elegant but well deserved compliment.

"Lovely as Shakespeare's women," is a phrase  
Like to become a proverb in these days;  
For not another pen like his can trace  
In such sweet tints the purity, the grace,  
The tenderness, the power of woman's mind,—  
Woman, the good, the gentle, the refined,  
The unselfish sweetener of man's bitter life,  
Which else had been one long, long scene of strife  
And wretchedness—and guilt;—oh! none can  
doubt me,  
As Otway says, "We had been brutes without thee."  
Thou art a true Shakespearian maid; thy name  
And nature too, at once the fact proclaim.  
But which art thou most like of all the throng  
Of sainted maidens canonized in song?  
Juliet the young, the loving Tuscan maid,  
Or Perdita, a violet in the shade,  
Blooming almost unseen, or that sweet child  
Of nature, young Miranda, in the wild  
And dreary island with her aged sire,  
Or Beatrice with a wit like fire  
Brilliant but scorching, or like sweet Anne Page?  
Or Portia, with the strangest Heritage  
E'er Father left his child? or her, who died,  
A maniac maiden, and a suicide  
In youth's first spring, Ophelia? or the kind,  
Devoted child, who nursed her poor, old, blind  
And sorrow-stricken sire? Of these sweet creatures  
Which dost thou most resemble in the features  
Of thy fair face and thy pure virgin soul?  
Not one, not one, but all combined in one great whole.

Miss Trower, who was attired as a Swiss Peasant girl, was exhorted in an acrostic to betake herself home again to her Swiss cottage. We doubt not but that the writer alluded to a certain building of that description at Titaghur, which makes us think that he must be a Barrackporean.

L eaving thy pleasant home  
O n the green hill's mossy side,  
U nwisely thou hast come,  
I n strange land to abide,  
S halt thou not oft repent, my gentle Swiss,  
A journey made to such a land as this ?

T hou wilt, I'm sure thou wilt,  
R epent what thou hast done.  
O h ! think of thy own clime,  
W ith its mild, unshorching sun,  
E mblem of thine own mind, my gentle Swiss—  
R eat thee awhile and ponder well on this.

Miss Oakes received an appropriate acrostic, with a "most lame and impotent conclusion." The writer has edged in a compliment to her worthy sire, which we echo with all our hearts.

I f thou hast ever, in our own dear isle,  
S traying all carelessly, ere chanced to view  
A flower gentle as the first young smile  
B eaming Aurora flings upon the dew—  
E 'r'st thou hast seen it, thou hast loved it well—  
L ady—thine emblem, Lily of the Vale,  
L ike thee 'tis simple, elegant, and pure,  
A s snow new-fallen on the moonlit moor.

O aks spread protecting branches o'er its head,  
A nd fostering guard it with their parent shade ;  
K indred thine own—not more regardful, maid,  
E ver to soothe thy griefs——and yet some folks  
S urely will think I've only sung——a Hoax.

The next we had the pleasure of perusing, was a short scroll from some visionary young man to Mrs. H. Alexander.

E xceeding sweet, a vision of the night  
L ulls my o'er troubled soul with calm delight ;—  
I see a mother and a sporting child,  
Z ephyr ne'er wore look of joy so wild  
A s that much loved and cherished infant wears,  
B oyant he frolics round, nor thinks, nor cares ;—  
E 'n now that lady smiling thinks upon  
T hose infant antics ;—thou art such a one,  
H e is thine own, thy firstborn, only son.

A nd then too comes a little fairy face  
L isping in broken accents, while she stays  
E yeing her brother's frolics, as he plays—  
X anthe ne'er smiled so clammy, joyfully,  
A s thy young daughter in her infant glee ;  
N or Tethys, Queen of Ocean, neeth the wave  
D ecked with the richest gems her kingdoms gave  
E 'er shone more bright, fair lady, now than thee—  
R eproach me not—this is not flattery.

There were also some neat verses addressed to a fair Katherine.

K illarney's lake ne'er richer beauties gave  
A gain reflected in it's lucent wave,  
T han thine, fair Eastern Queen, for oft to me  
H ast thou appeared as some bright fantasy,  
E xulting in thy loveliness, and state,  
R obed as Zenobia, though as her not great  
I n battle's throng to join :—that soft black eye  
N ow speaks of that pure happiness to be,  
E xceeding lovely, loved exceedingly.

But in spite of all that we have said, though there were hosts of beautiful faces and gay, sumptuous dresses at the Victoria Ball, it lacked animation. People were contented to dress, and thought nothing of sustaining their parts, with the solitary exception of the two-penny post-man, to whose feats we have already alluded. If in this hasty sketch we have omitted to notice any, whom we ought to have registered more particularly, we must plead the lateness of the hour, and the attendant hurry, as an excuse. However, we have done our best and we have only now to add that we hope very soon to be present at another *Victoria Ball*.

The Hall was crowded—not less than 600 persons were present. The decorations were of a light and elegant character, well suited to the occasion, and did much credit to the taste of the Stewards and the artists who carried their arrangements into effect.—*Bengal Hurkaru*, January 16.

## THEATRICALS.

### OTHELLO.

I have read with much interest the articles in the papers on the subject of *Othello*. A discussion of the same nature, occurred a year or two ago between the Editor of the *Bengal Hurkaru* and myself. That gentleman seemed willing at first to adopt the criticism of Coleridge ; but he subsequently, with an editorial candour extremely rare, acknowledged, that on more mature consideration he was inclined to return to the general opinion that Shakespeare intended to illustrate the nature of the passion of jealousy in the character and conduct of the Moor. I partly agree with the opinions expressed in an article on this subject in the last number of the *Literary Gazette*, and especially do I second that portion of the argument which opposes a preceding writer's notion, (very ingeniously maintained, however,) that Shakespeare intended *Iago*, and not *Othello*, to be the leading illustration of the ill effects of giving too easy admittance to that "green-eyed monster, which mocks the meat it feeds on." I have expressed similar

opinions in the *Literary Leaves* in an article on the play. I differ, however, on the material point, from the writer in the last number of this journal. He has, I think, greatly and unjustly lowered the character of *Othello* by representing him as a man naturally jealous. It seems to me that Shakespeare did not intend to give this tone to the mind of *Othello*, and that it was not his chief object to show how jealous disposition is ready to seize without original or just cause of suspicion upon trifles light as air, as confirmations strong as proofs of holy writ ; but to exhibit the effect of the hideous vice on men of strong passions and fiery minds. When the poison of jealousy has once fairly entered the heart, the most trivial circumstances tend to strengthen and confirm its influence ; but with such a man as *Othello*, the misery is not at first self-inflicted. The Moor was the very reverse of a suspicious character, which is always a mean one. In the words of Dr. Johnson, and boundless in his confidence. Even *Iago*, who "knew all qualities with such a learned spirit of human dealing," repeatedly acknow-

lodges the generous trustfulness and high character of the man whom he hates.

The Moor—howbeit that I endure him not,—  
Is of a constant, loving, noble nature;  
And I dare think he'll prove to Desdemona  
A most dear husband.

And it is from a due consideration of the Moor's "free and open nature," that *Ingo* is induced to depend for the purposes of his revenge upon the effect of such subtle insinuations as *Othello*, believing him to be honest, was compelled to credit.

The Moor is of a free and open nature,  
That thinks men honest, that but seem to be so;  
And will as easily be led by the nose,  
As asses are.

*Othello* had too much fire in his soul to suffer him to play the mean and dilatory and patient part of a man naturally suspicious, who is always lying in wait for opportunities to discover his own misery and dishonour, and who treasures up long and greedily the minute evidences that feed his hateful passion. "Think'st thou," he exclaims—

Think'st thou I'd make a life of jealousy,  
To follow still the changes of the moon  
With fresh suspicions? No; to be once in doubt,  
Is once to be resolved.

When he is sent by the Senate on the expedition to Cyprus, with what perfect confidence he places his young and lovely wife in the charge of *Iago*; and when *Brabantio* says

Look to her, Moor; have a quick eye to see;  
She has deceived her father, and may thee.

What is his answer?

*My life upon her faith!*

And to show, out of his own mouth, how little he was inclined to insist upon a strict surveillance of his wife, or to build his fears of her fidelity on trifles, let us quote part of his speech to *Iago* even after that artful villain had poured the first drop of bitterness into *Othello's* cup. It is not the language of a man originally disposed to be mistrustful.

— 'Tis not to make me jealous,  
To say—may wife is fair, feeds well, loves company,  
Is free of speech, sings, plays and dances well;  
Where virtue is, these are more virtuous;  
Nor from mine own weak merits will I draw  
The smallest fear, or doubt of her revolt;  
For she had eyes, and chose me; no, *Iago*;  
I'll see before I doubt: when I doubt, prove;  
And, on the proof, there is no more but this,—  
Away at once with love, or jealousy.

When a man is naturally disposed to indulge the passion of jealousy, never does he exhibit it more strongly than when he is first working his way into the affections of his mistress; and *Othello* from being a mere soldier, "rude in speech and little blessed with the set phrase of peace," and having a complexion and cast of features that he was quite conscious were not generally attractive to the Venetian ladies, might have been excused some little anxiety respecting the possible triumph of his rivals. Her father never supposed for a moment that his reception of *Othello's* visits would lead to so strange a match, and when the event actually occurred he was so perplexed and bewildered, that he could only attribute it to supernatural arts.

She is abused, stolen from me, and corrupted  
By spells and medicines bought of mountebanks;  
For nature so preposterously to err,  
Being not deficient, blind or lame of sense  
Sans witchcraft could not —

And even the pert *Emilia* could not help expressing her surprise that *Desdemona* had forsaken so many noble matches on his account. In her generous passion at the

suspicious of the Moor in one of the latter scenes of the play, she boldly tells him to his face, that *Desdemona* was "but too fond of her most filthy bargain." Yet, notwithstanding *Othello's* manifest disadvantages as a lover and a lady's man, of which he was so fully conscious, *Desdemona* never seems to have discovered in him, until the poison infused by *Iago* had worked its effect, the slightest indication of jealousy. Even after the scene of the handkerchief, when *Emilia* asks if *this man is not jealous*, *Desdemona* answers with an exclamation that she "ne'er saw thus before." In a preceding part of the same scene the following dialogue occurs.

*Des.*—Where should I lose that handkerchief, *Emilia*?  
*Emil.*—I know not, Madam.

*Des.*—Believe me, I had rather have lost my purse.  
Full of cruzadoes. And but my noble Moor  
Is true of mind, and made of no such baseness  
As jealous creatures are, it were enough  
To put him to ill thinking.

*Emil.*—Is he not jealous?

*Des.*—Who, he? I think the sun, where he was born  
Drew all such humours from him.

I repeat my opinion, that *Othello* was not naturally jealous, but on the contrary of a most trustful and generous disposition, and that *Shakespeare* seems to have intended to show, how rapid and terrible are the effects of jealousy when it has once taken possession of a fiery and impassioned heart. His object, it appears, was not to display the petty and never-resting suspicions of a little mind, of a jealous, key-hole-peeping, Paul Pry, but to exhibit a fearful picture of the tempest and desolation, and delirium into which its sudden admission may throw the noblest natures.

We have no right, whatever, to regard *Othello* in the light of a feeble-minded dupe. If he had not been affected by the evidence so artfully brought forward by *Iago*, whom he looked upon as a zealous and disinterested friend, and whose good faith had never been suspected by himself or others, whose honesty in fact was proverbial, we might have fairly censured him for his blind and overweening confidence in his wife's constancy or his own power over her affections. He would in that case have almost deserved his dishonor. We ought not to forget that we are behind the scene, and know more than the unhappy *Othello* himself the true characters and designs of the same circumstances as the Moor could have been proof against the consummate skill of such a master in devilish arts as the fiend *Iago*. We sympathize with *Othello's* amazement when the light breaks in upon him and he discovers how completely he has been deluded and destroyed by his powerful circumvention. When *Iago* is brought before him, he looks to see if the is cloven-footed.

*Othello*—I look down towards his feet; but that's a fable:  
If that thou be'st a devil, I cannot kill thee.

I could easily multiply extracts in support of my opinion; but perhaps the reader might grow tired of the subject. I shall give but one more brief quotation and conclude. It is *Othello's* character from his own mouth, and I think it a true one.

— I pray you, in your letters,  
Speak of me as I am; nothing extenuate,  
Nor set down aught in malice; then must you speak  
Of one, who loved not wisely, but too well;  
Of one, not easily jealous, but being wrought,  
Perplexed in the extreme.

I ought to apologize for the length of this article on a subject that has already occupied so large a space in the columns of the *Literary Gazette*; but it is difficult to A check oneself in a discussion in which *Shakespeare* is the theme.

D. L. R.,

[Bengal Herald, January 7.

## RIENZI.

Miss Mitford's Tragedy of *Rienzi*, was performed on Friday evening for the benefit of Mrs. Leach. The play had never before been performed, and we think, had been little read in Calcutta. It is nevertheless one of the best Dramas that has been produced in these latter days, when the cry is echoed from north to south and from east to west, that the sun of dramatic literature in England, has been obscured, never again to put forth its beams. They who only know Miss Mitford by her *country stories*, and think of her as the placid, subdued writer of those sweet rustic domesticities which find their way into the hearts of all dwellers in the country and of very many town-bred folk, will marvel at the vigour both of conception and of diction, which we meet with every where in the Tragedy of *Rienzi*. The play is full of energy, each character forcibly sustained and full of individuality, the interest unbroken, and many of the situations eminently dramatic. We doubt not but that most of our readers have perused Mr. Bulwer's admirable Romance, built up on the same historical basis. Miss Mitford was first in the field; but neither of the two authors, in portraying the character of *Rienzi*, have adhered very faithfully to recorded facts. It was Sir Walter Raleigh, we think, who on hearing a tumult beneath his chamber windows, despatched some of his domestics to learn the cause of it, and when they returned, one giving him one and another another account of the affray, he exclaimed, "Ah! indeed, if I find it so difficult to learn the true facts of incidents which happen at my own threshold, how little reliance must I place in the records of events, which occurred centuries ago." It is indeed the rarest of accidents to meet with an impartial historian. Bulwer accuses Gibbon of having unnecessarily blackened the character of the last of the tribunes; and we think that we might accuse Mr. Bulwer of having unduly exalted it. But this is a peculiar characteristic of many of Bulwer's writings to make us sympathize with those who are more worthy of our execration and abhorrence—witness the novels of *Paul Clifford* and *Eugene Aram* and the character of Sir Reginald Glanvillar in *Petham*. None, but a bigoted Tory, could rise from the perusal of Bulwer's *Rienzi* without a warm, perhaps an enthusiastic admiration of the noble character therein portrayed; but we are sorry to say that the *Rienzi* of the Romance is far different from the *Rienzi* of History. The contemporary biographer, who has generally received the credit of rare impartiality, inspires not the reader with that belief in the virtue and nobility of the Tribune which the author of *Eugene Aram* instils into our minds. We see nothing in Mr. Bulwer's Romance of the obese and bloated wine-bibbing debauchee. We see him only as a hero and martyr, as pure in his private and in his public relations. The Romance writer describes him too, as a man of gentle feeling, which assuredly he was not—first he was, even to a Brutus-like justice, and endowed with a lofty and towering, but not a refined, intellect. Some leaven of the "sordid hostelry," which was his birth-place, clung to him throughout his career. Unselfish we cannot believe him to have been; he loved the people because he was one of them; he hated the aristocracy because they had insulted him. The memory of these insults was ever ranking in his soul and goading him on to action. Revenge was his guiding principle. It was not pity, it was not justice, it was not the love of liberty; it was revenge which stimulated his dormant energies, and stirred up those resolves in his mind, which led to the great revolution of which he was eventually the victim.—"Yes"—he says in the language of Miss Mitford's Tragedy,

Yes, I've trod thy halls,  
Scorned and derided midst their ribald crew,

A licensed jester, save the cap and bells;  
I have borne this—and I have borne the death,  
The unavenged death of a dear brother.  
I seemed—I was, a base, ignoble slave.  
What am I—peace I say what am I now?  
Head of this great re-public, chief of Rome;  
In all but name her sovereign.

Even Bulwer, in spite of his admiration for the Tribune and all that he has said about patriotism, confesses in the very first chapter of his Romance, that it was revenge which first incited *Rienzi* to action. When the spear of the ruthless Cola'onna passed through the body of Cola's brother, loud were the cries of Cola for justice. "See ye, Sirs, he was but too gentle; and they will not give us justice because his murderer was a noble and a Colonna. And this gold too, gold for a brother's blood! Will they not," and the young man's eyes glared like fire—"will they not give us justice? Time shall show!" So saying he bent his head over the corpse; his lips muttered as with some prayer or invocation, and then rising, his face was as pale as the dead beside him; but it was no longer pale with grief!

"From that bloody clay and that inward prayer Cola di *Rienzi* rose a new being. With his young brother died his own youth. But for that event the future Liberator of Rome might have been but a dreamer, a scholar, a poet—the peaceful rival of Petrarch, a man of thoughts not deeds. But from that time all his faculties, energies, fancies, genius, became concentrated to a single point, and patriotism, before a vision, leapt into the life and vigour of a passion, lastingly kindled, stubbornly hardened, and awfully consecrated—by revenge."

This is historical, and both the Dramatist and the Romance writer have availed themselves of this pathetic incident in Cola *Rienzi*'s life, making such frequent allusion to it in their respective works, that the Tribune seems to think far more of revenging his brother's blood than of liberating his fallen fellow-countrymen. The latter consideration appears more like an afterthought—a means—a sort of appendage to his plan of revenge. It was his scheme to crush the aristocracy; by crushing the aristocracy he consummated his revenge and at the same time he liberated the people. "Accade," writes the contemporary historian, "che uno suo frate fu ucciso, e non ne fu fatta vendetta di sua morte: non lo poiò a jutare; pensa lungo mano rendicare 'l sangue di suo frate; pensa lungo mano dirizzare la cettate di Roma mule guidata." Miss Mitford, in the second act of her Tragedy, wherein *Rienzi* addresses the multitude thus beautifully in the person of the Liberator, alludes to this exciting cause—

—I that speak to ye—

I had a brother once, a gracious boy  
Full of all gentleness, of calmest hope—  
Of sweet and quiet joy—oh! how I loved  
That gracious boy!—younger by fifteen years,  
Brother at once and son! In one short hour  
The pretty, harmless boy was slain! I saw  
The corse, the mangled corse, and when I cried  
For vengeance—rouse ye Romans! rouse ye slaves!  
Have ye brave sons? look in the next fierce brawl  
To see them die. Have ye fair daughters? look  
To see them live, torn from your arms, distained,  
Dishonoured—and if ye dare call for justice  
Be answered by the lash.

The sudden breaking off from the narrative of his wrongs to the vehement outburst of "rouse ye Romans, rouse ye slaves" is peculiarly fine, and at the same



time highly characteristic. He had gone through, with controlled feelings, the history of his brother's death, but when he came to that part of the narrative, where he was about to tell of the insults he himself received, when he called aloud for "justice," his indignation arrives at an excess which he has no longer power to moderate; he cannot tell of the cutting words which were spoken, and the contemptuous acts were done unto him, by the proud nobles; the memory of these things lashes his soul into a whirlpool of uncontrollable passion, and he breaks off into a wild cry for vengeance—vengeance upon the oppressors. If we have mistaken the true meaning of this passage, Miss Mitford and our readers must forgive us.

They who only know *Rienzi* in Mr. Bulwer's Romance, and have delighted (as who has not?) in the stirring scenes of that touching story, will marvel at seeing so little in the drama, with which they have been previously acquainted. They will miss *Nina* (what hosts of pleasant memories that name awakens in our mind)—they will miss *Nina* altogether, and they will see *Adrian Colonna* under the title of *Angelo Colonna*, but oh! not half so angelic as the *Colonna* in Bulwer's Romance. And *Irene*, the sister of *Rienzi*, they will not see in the play; but in her place is *Claudia*, *Rienzi's* daughter, and the bride of *Angelo Colonna*. Mr. Bulwer, in the prefaces to his Romance, pays this fine tribute to the genius of Miss Mitford, "I cannot conclude without rendering the tribute of my humble praise and homage to the versatile and gifted author of the beautiful tragedy of *Rienzi*. Considering that our hero be the same, considering that we had the same materials from which to choose our several stories, I trust that I shall be found to have little, if at all, trespassed upon ground previously occupied. With the single exception of a love intrigue between a relative of *Rienzi* and one of the antagonist party, which makes the plot of Miss Mitford's Tragedy, and is little more than an episode in my romance, having slight effect on the conduct and none on the fate of the hero, I am not aware of any resemblance between the two works. And even the incident I could easily have removed, had I deemed it the least advisable. But where there is so much it were an honour to imitate; it would be almost a discredit had I nothing that resembled." And if we consider the difficulties, under which the dramatist labours, but which the novelist has not to encounter, we should find it difficult to determine between the respective merits of the Tragedy and the Romance of *Rienzi*. The very nature of a romance gives a wise scope to the writer for illustrating the times, in which he lays the scene of his story, but a dramatist can scarcely be descriptive, and not at all discursive, and must confine himself to one particular epoch, unless he violates the unities most flagitiously. The career of *Rienzi* is better described in the Novel, but we doubt whether we can say the same of the character.

Thus far had we written, with the exception of a few introductory words, before witnessing the performance of *Rienzi* on Friday night. We have spoken at some length of the play; it now becomes our duty to speak of the payers. We are truly sorry that we cannot do this in terms of very flattering eulogium. We love to praise far better than to censure, and *Judes damnatur cum nocens absolvitur* assuredly is not our motto; but praise becomes of little value, it is forthcoming upon every occasion, and we should be right glad to see a bolder tone of criticism introduced into our Indian literature. Nothing checks the advance of intellectual improvement, so much as indiscriminate praise. We shall never see really good acting upon the Calcutta stage until gentlemen are told when they play badly, especially, gentlemen who can play better if they please, but whom too much praise has rendered careless—careless from over-confidence. It is not enough that an actor should know

the words of his part, he must comprehend, fully comprehend, the individuality of the character he attempts to embody; and this demands study, without which, be the natural talents of the actor what they may, he is sure to be precipitated into a failure. We do not infer that the favorite amateur who represented *Rienzi* on Friday night did not understand the character of the hero; we think that he understood it very well and that he was throughout the Tragedy the very *Rienzi* which we have depicted at the commencement of this article; but he was not Miss Mitford's *Rienzi*. He may have studied, and we doubt not but that he did, the character of *Rienzi* as portrayed in the pages of Gibbon and the co-temporary historians, but we can hardly think that he studied Miss Mitford's Tragedy, with any great degree of attention. We have no great objection to his preferring the authority of the historian to that of the dramatist, especially as in doing so his opinion coincides most entirely with our own, nor should we object to his calling in his historical knowledge to aid him in his stage representations, if the words that he is called upon to speak in the Tragedy could possibly have proceeded from the historical *Rienzi*—from the *Rienzi* as performed the other night. The words spoken, and the manner of speaking them, were in almost every instance utterly at discord. We saw two *Rienzi's* throughout the drama instead of one individual character. Young did not act this part in the least degree like Mr. —, and Young was its original personator; indeed, we believe it was written for him. We were disappointed; for we had studied the play and there were sundry favorite passages which we had marked, anxiously looking forward to their delivery with a vague impression of how they ought to be delivered, partly derived from our own knowledge of the subject, and partly from our recollection of Charles Young; but we missed almost all these points. For example, in the passage to which we have alluded above in terms of especial commendation, when *Rienzi* is telling the history of his wrongs and breaks off abruptly from his narrative into an energetic appeal to his fellow citizens to bestir themselves from their slavish indolence, Mr. —, instead of pausing in the middle of the line and changing entirely the tones of his voice from the broken accents of sorrow awakened by the memory of the brother's death to the loud outburst of fiery indignation and revengeful craving at the thoughts of the injuries they had put upon him, ran on with the line as though there had been no stop at all, no sudden breaking off, no sentence unfinished, no change of feeling, delivering the latter portion of the line precisely in the same voice in which he commenced it—

And when I cried

For vengeance—Rouse ye Romans! Rouse ye slaves!  
became

And when I cried,

'For vengeance, rouse ye Romans, rouse ye slaves,

as though the whole line had been a portion of the same sentence.

The scene with *Claudia* (Mrs. Leach) after the condemnation of *Angelo Colonna*, was far the best in the whole Tragedy; indeed a portion of it was admirably played. We did see a handkerchief or two uplifted seemingly to wipe away a tear; indeed, we acknowledge, that though old play-goers ourselves, and upon all occasions as worldly and callous-hearted as most people, we felt certain creepings of the flesh which told us that our feelings were harrowed to rather an unwonted degree. If the whole tragedy had been acted as well as this scene, we should have thought *Rienzi* a much better performance than *Othello*, as we now pronounce it to have been worse. We do not allude to the character of the hero, but to the entire representation of the play.

We need say nothing of the Messrs. Ryckman; they played as they always do, deliciously; but of the Farce we must say a few words. It was well, though somewhat overacted, but it went off heavily enough—it not only wearied, but in some instances it disgusted us. With all submission to the gentlemen who have the management of these things, we think it would be as well if they had passed their pens across sundry and divers passages of the farce, which in our opinion, and we are not very squeamish, were exceedingly indelicate and low. It should be remembered at these assemblages, in a crowded night, as it was on Friday, a great portion of the ladies of Calcutta are gathered together within the walls of the Chowringhee Theatre; it should likewise be remembered that here we have no “gods” to whose vicious appetites unwholesome food is to be administered, and therefore we do not see any occasion for preserving these indecencies of an earlier age in the stage representations of the present day, at least let them be abandoned in Calcutta, where

an audience consists almost exclusively of gentry well-born and educated, and we should hope therefore refined. If may be said, that “to the pure all things are pure,” but this is no excuse whatever for indelicacy. We do not suppose that the *double-entendres* of last night were understood by half the people present; but we think it would have been far better if they had been, as Shakespeare says, “reformed altogether.”

At the conclusion of the performances. Mrs. Leach delivered a valedictory address, written, we believe, by Capt. McNaughten. We have not seen it, but as far as we could judge from hearing it delivered, it was exceedingly well-written and appropriate; as good and as little commonplace as it is possible to make these addresses got up for an especial occasion, where the subject of all others is the most hackneyed and the least poetical. It was spoken with much feeling and expression. The house was crowded throughout.—*Herald, January 14.*

## MRS. LEACH'S FAREWELL.

Mrs. Leach took her Farewell Benefit last night to the fullest house we ever remember to have seen at the Chowringhee Theatre. Exclusive of the admirable selections she had made, the simple and much to be lamented circumstance of her last appearance was ample incentive for so full an assemblage. The house was literally crammed and more than once were apprehensions entertained by the deizens below of the uceremonious descent, per smash, of the Gods above. Those, however few, that were not present on this very interesting occasion, have to regret the richest treat ever afforded to the histrionic world of India.

Although we have had the pleasure of seeing Master Walter in a great variety of characters, we never saw him in finer feather and more at home than he was last night. The maintenance throughout of the fiery spirit and majestic deportment of the ambitious and the noble Tribune, his seditious address to the rabble, his subsequent defiance of their defection, his natural tenderness at the anguish of his daughter, &c., &c., &c., were of themselves sufficient to stamp him an actor of the highest class, and evinced a strict study of the very arduous part he had undertaken. This is but a cursory notice of one of the perfectest pieces of acting we ever witnessed on the boards of our Drury, and we can only repeat our consolatory comment to the absentees that they lost, that which we would not have lost for twenty catarrhs and all the ‘untellable tin’ of Cræsus!

Mrs. Leach, the elfin spirit, who by the magic of her matchless attractions and the tender appeal of her last appearance, summoned this marvellous congregation of Calcuttaites, was as usual, au fait throughout and more than once elicited the most rapturous and deserved applause, particularly in the graphic scene of Angelo Colonna's execution and her fall which, by the same token, we observed very nearly *capitulated* her papa, albeit against all the scientific rules of gravitation, which, we have read in sundry abstruse Encyclopædias, maintain, that the lighter body is hauled down by the heavier! But let that pass.

What Ursini meant by making a sort of absurd *badinage* of a serious part, by uttering words in a comic strain that were evidently intended to be tragic, is to us, utterly incomprehensible. It is a mistaken notion to imagin, that *such* travesties tell, and if he would take our humble advice he would reform altogether that system of ill-conceived pleasantry.

The elder Ryckman's Non Piu Mesta, was played quite à la Nicholson. It struck us by the by (having handled a Rudall and Rose in our day) that his flute was a singularly small one, counter-balanced peradventure by the *handy* longitude of his digits which was equally conspicuous, his style of playing being, what Tom Hunter would call, *high actioned*! The Suonila Tromba of his son was decidedly the best specimen of piano forte playing we ever heard. The exquisite maintenance of the air through the prestissimo variations and the astonishing velocity with which he rattles his fingers, which are also happily Brobdingnagian! over the keys, is perfectly wonderful. The last rose of summer and the duet with the basso-bassoon were also perfect chefs d'œuvres. How proud must the sire feel at the rapidly culminating talent of his son. We venture to predict that he may confidently rely on his soon attaining the very apex of his calling.

‘Te docturum hederæ præmia frontium  
Diis miscant superis.

Love à la mode was very creditably *done* by all therein engaged.

Sir Archy was very good in his keen sarcasms although his Scotch, we thought, was far from *genuine*. Sir Callaghan O'Brallegan labored slightly under the same disadvantage, but with that exception (and it is no easy matter, we beg to assure our readers en passant, for your John Bull to come the Tipperary) got through his part in right good style. Master Modus (as was his wont, in days of yore, when last we saw him) made a very happy (improvisatore) allusion to the heartless apathy which has of late been shamefully evinced on the subject of the Wellington testimonial.

The Beau Mordicai of “a debutant,” was a very successful performance indeed. With *such* an inauguration he may, we calculate (as Janathan would say) safely rely on his future Thespic prosperity. Squire Groom was but so so and strutted the boards backwards and forwards too often and too much after the fashion of a clown at Astley's for our taste. His Roecian Pegasus has a deuced hard mouth and requires to be awfully hard held in some of his dramatic handicaps! Mrs. Leach's Charlotte (although a character by no means calculated for the display of *sock* and *buskin* genius, if our readers will allow us the masculine adjective) was in her usual style of excellence.

We come at last to the painful portion of this our hasty critique, if so our indulgent readers will deign to dub it.

Malgré the immense crowd, the strictest silence was preserved (seen by those Bæotian blockheads who delight at times in disturbing others and making themselves aminutely conspicuous by their rude, untimely laughter and their *imaginary* wit) when Mrs. Leach came forward to falter her valedictory address which couched in the most apposite and touching terms, was delivered with the intensest pathos. There was no acting *there*, but the pure ebullition of the tenderest emotions of the heart, kindled by that relentless corroding and, alas! inevitable word *FAREWELL*.

#### MRS. LEACH'S FAREWELL ADDRESS.

Though oft-times here, with anxious, faltering heart,  
I've stood before you, in an *acted* part;  
While yet the mind (by after kindness nerv'd)  
Still fear'd the censure which it knew deserv'd;  
And e'er, beneath your kindness, grown secure,  
I banish'd doubt, and felt hope's visions sure:  
Yet never, even in the earliest hours,  
Of my young trials in these Thespian bowers,  
Have I a task so hard and mournful known,  
As this—where all the affliction is my own,  
(Not, like the mimic'd grief, alas! to cease,  
When the fall'n curtain ends the fictitious piece)  
As this, to speak that severing word of pain,  
Which breaks a charm I ne'er can know again.  
In you I've found, through many a happy year,  
The fostering guardians of my stage career;  
The patrons warm and constant in my cause,  
Forbearing blame, but lavish of applause;  
Whose cheering smiles each humble effort paid,  
And cast each fault (of many!) in the shade.

Can I, then, hence, with light, ungrateful breast,  
Unutter'd thanks, and feelings all repress'd,  
Depart? from these our own dear Drury's walls,  
Where to the last your praise upon me falls?  
Oh, no!—oh, no! though cold and faint appear,  
The words which bear my anguish to your ear;  
Not therefore less my sadden'd heart o'erflows,  
Not therefore less will memory fond repose  
On your long-granted kindness, which has cast  
Its blessing o'er me, ev'n unto the last.  
Where'er I drag this health-deserted frame,  
Unchang'd by clime, my heart shall rest the same;  
Shall nurse the gratitude so feebly told,  
Which time shall not impair, nor age make cold;  
And yield, if on me e'er grief's blight descend,  
The whisper'd solace,—“*there* you still have friends.”  
That spell shall sweetly every fear allay,  
Shall check despondence, when it else might away;  
To scenes of joy (and such may be in store)  
From warm remembrance, and one rapture more;  
Hope's precious balm to fate's dark hour supply,  
Or chase the tear from sorrow's trembling eye.  
But wherefore, lingering, in your presence keep,  
With woe-fraught breast, and struggling not to weep?  
Why check the word which must at last be spoken?  
Cling to the link which must to night be broken?  
O! generous friends!—O! patrons, firm and dear!  
Deem not my words, though feeble, insincere.  
The heart o'er burden'd finds all language fail,  
And feelings still o'er eloquence prevail.  
But you, with lenient judgment to the last,  
Will not pronounce me thankless for the past;  
Nor turn, with harsh suspicion on your brow,  
From the spoil'd child of your indulgence now;  
Whose lips and tears, heart-prompted, weakly tell,  
The bitter pang with which she sighs—Farewell!

[*Original Observer*, January 13.

## SUICIDES IN CENTRAL INDIA.

We have been favoured by Major Sleeman, with a record kept by his orders of the number of suicides committed in the district under his charge, in the years 1834 and 35. The reports which were continually brought to him of the repeated acts of self-destruction, made him naturally anxious to discover the cause of the unusual frequency of this practice, and he directed the native officers to ascertain and place on record, whenever it could be discovered, the reason by which these victims had been actuated. It is singular to observe on how slight occasions many of these acts of suicide have been perpetrated; sometimes for an attack of dysentery, at other times, for a pain in the intestines, and sometimes, through grief for bereavement. It is also worthy of notice, that out of forty cases that are thus reported, thirty were *women*.

England was for many years considered to be distinguished above other countries, for the number of suicides committed in it; and this was attributed to the gloom of our climate. But those statistical researches which have given the present age so peculiar a character, have served to dispel this idea; and it is now ascertained that the number of suicides in France, where the climate is so much more propitious and cheerful than in England, is greater in proportion to the population. But a farther corroboration of the fact, that climate has little to do with such acts, is found in the report we now publish, which, in a climate, directly the reverse of England, gives us forty suicides in a population of two hun-

dred and fifty thousand. Suicide is not the result of climate but of morals.—*Friend of India*.

#### SUICIDES IN SAUGOR.

Persons who destroyed themselves in the district of Saugor for the year 1834, as reported by the police. The district contains about three hundred thousand souls.

1st. Ram chand, Lodhee. On the 1st January, 1834, hung himself in consequence of a severe pain in the belly.

2nd. Himmut Gond. On the 6th January, in consequence of hunger, hung himself.

3rd. Gopaul Shopkeeper, 5th March, Poisoned himself with Dutloora, in consequence of a dispute with his wife.

4th. Kesur, female, ditto, 15th April. Hung herself, in consequence of much suffering from stranguary.

5th. Chimna, Guala, 30th April. Hung herself in a state of insanity.

6th. Wife of Kohmar, Lodhee, 3d May. Drowned herself in the river, in consequence of a severe pain in the belly.

7th. the mother of Hirooa, Chumar, 4th June, Poisoned herself with the root of the Kenere tree, in consequence of a dispute with her son.

8th. Phondsee, Kormee, 10th June. He stabbed himself with a sword and died, in consequence of pain in his arm, which had been broken in a fall from a wall.

9th. Mohun, Brahman, 21st July. He shot himself with a ball from a matchlock, in consequence of much suffering from inflammation of the bowels.

10th. Aman, Brahman. On the 2d August, hung himself, in consequence of a dispute with his wife.

11th. Tejia, a female, Lodhee, 5th August. Hung herself, in consequence of suffering from the inflammation of the bowels.

12th. Bichoo his wife and daughter, Weaver, 12th August. These three persons all threw themselves into a well and killed themselves, in consequence of ophthalmia and fever from which they suffered a good deal.

13th. The mother of Kurhora, Barber, 21st August. Threw herself into a well and killed herself in consequence of grief for the death of her son Kurhora.

14th. Jykeea, a female Kormee, 25th August. She threw herself into a well and destroyed herself, in a fit of insanity.

15th. Khengoo, female, Gardener, 28th August. She threw herself into a well and destroyed herself, in consequence of a dispute with the second wife of her husband.

16th. Choteea, female Brahman, 28th August. Threw herself into a well and killed herself, from pain in sickness.

17. Kumees, female, Cotwar, 28th August. Threw herself into a well and killed herself, in a state of insanity.

18. Name not written, Chumar, 27th August; Threw herself into a well and killed herself, from the want of food or the means of providing it.

19th. Luchmun, Lodhee, 1st September. Threw himself into a well and killed himself from severe rheumatic pains.

20th. Burlhoo, female, Shopkeeper, 12th September. Threw herself into a well and destroyed herself in consequence of the importunity of her creditors.

21st. Khuroog, female, Shopkeeper, 27th September. Threw herself into a well and killed herself, in consequence of severe suffering in sickness.

22nd. Oojealee, female, Chumar, 30th September. Threw herself into a well and killed herself, in consequence of a dispute with her husband.

23d. Anoopas, female, Oil-vender, 3d October. Threw herself into a well and killed herself, in consequence of great suffering from sores from which she could not keep the worms.

24th. Heera, female, Shopkeeper, 7th October. She threw herself into a well and killed herself, in consequence of shame at some abusive language her husband had used towards her.

25th. Wife of Pertaub, Rajpoot, 13th October. Threw herself into a well and killed herself, in consequence of sufferings in child-birth.

26th. Pretheeraj Dhangee, 20th October. Hung himself from the want of food, or the means of providing it.

27th. Makeea, female, Oil-vender, 20th October. Threw herself into a well and killed herself, in consequence of a dispute with some members of her family.

28th. Kulloo, Lodhee, 27th October. Hung himself in consequence of great suffering from a large boil into which the worms had got.

29th. Kuseea, female, Shopkeeper, 13th November. Threw herself into a well and killed herself, from sufferings in sickness.

30th. Hunsee, and her son, Lodhee, 13th November. They both hung themselves in consequence of sufferings in sickness. It is not clear from the report, whether the son killed himself or was killed by his mother.

31st. Ram Sing, Lodhee, 18th November. Killed himself with a ball from a matchlock, in consequence of sufferings in sickness.

Report of suicides in the District of Central Ind'a, which took place during the year 1835. The population of the District is about two hundred and fifty or three hundred thousand.

1st. Foolsa, a native woman of the Sonar cast, hung herself in the town of Khimlaasa, 10th January, on account of a severe pain for which she could find no remedy.

2d. Suroopee, a native woman of the Rajpoot cast, hung herself on the 11th January, in the town of Karam-pore, on account of a dispute with the mother of her husband.

3d. Gonda, a native woman, a shopkeeper, threw herself into a well and killed herself on the 12th January, in the village of Narlut, on account of a severe pain in her stomach.

4th. Mandoo, a native woman of the Sonar cast, threw herself into a well and killed herself on the 20th January; cause not discovered.

5th. The wife of Kurherree, a gardener, on the 16th February, threw herself into a well and killed herself on account of long suffering from severe dysentery.

6th. The wife of Madaree, a shop-keeper, on the 28th February, threw herself into a well and killed herself because she had been expelled from her cast on suspicion of adultery, in the town of Malihore.

7th. Magoo, a female shop-keeper, on the 2d of March, threw herself into a well and killed herself in the town of Banorka—the cause could not be discovered.

8th. Sujun Sing Thakur, a Rajpoot, on the 7th of March hung himself, from affliction caused by the death of his son.

9th. Sheranee, a female of the Rajpoot cast on the 18th March hung herself in the town of Saugor, from affliction caused by the death of her only son.

10th. Morundee, a female of the Brahman cast, on the 22d March hung herself in Saugor, from grief at the death of her son.

11th. Beea, a female of the Brahman cast, on the 26th March, on account of the pains which followed the birth of a daughter, threw herself down a well and killed herself. Town of Saugor.

12th. In the town of Saugor, on the 2d of April, a traveller threw himself into a well and killed himself—the cause could not be discovered.

13th. Amuroo, a female of the Chumar cast, on the 15th of April, first threw her infant into a well, and then jumped in after it; the child was taken out alive, but she was dead. She had stolen some things from Dome, barber, and they were found in her house, and she could not survive the disgrace of being detected.

14th. Ram Sing, a Chumar, on the 20th April, cut his throat with a seah hook, on account of a severe pain in the eyes, which no one could cure.

15th. Kesur, a female of the gardener cast, on the 23d April, threw herself into a well and was killed—the cause not discovered.

16th. On the 4th May, Nunhee, Bahoo, a female of the Rajpoot cast, shot herself with a matchlock, in consequence of much suffering from an obstinate disease. Town of Khimlaasa.

17th. On the 26th May, in the town of Saugor, Jeera, a native woman of the gardener cast, threw herself into a well and killed herself, on account of pain in the stomach.

18th. On the 3d June, Puncheda, a female of the Brahman cast, at Narhut, threw herself into a well, and killed herself—no cause ascertained.

19th. On the 18th July, Omedee, a female of the Gosaen cast, threw herself into a well in a fit of madness, and died.

20th. The mother of Dureau, Lodhee, on the 27th July, threw herself into a well, from having nothing to eat, and suffering from disease, and died.

21st. On the 28th July, at Gembereen, Suroopa, a female of the Teylee cast, threw herself into a well, on account of suffering from a pain in the stomach, and died.

22nd. On the 4th August, Kesur, a female of the Rajpoot cast, threw herself into a well in a fit of madness, and died. Town of Korar.

23rd. On the 5th of August, the wife of Buljoo, Lodhee, threw herself into a well, on account of suffering from worms in her nose, and died.

24th. On the 23rd. of August, Nowloo, the wife of a barber, threw herself into a well, in the town of Khimlassa, on account of a severe pain in the stomach, with which she had been afflicted for five months.

25th. On the 23rd of August, in the town of Saugor, a Moosulman threw himself into a well and killed himself, on account of his sufferings from disease.

26th. On the 25th August, Bhow Sing, Chumar, of Jyasingnugur, first put his daughter, Bhageea, to death, and then cut his own throat, because she rejected, with indignation, his dishonourable proposals.

27th. On the 21st August, Gunesh, a Rajpoot, threw himself into a well and killed himself, because he had been accused of adultery by Kishan Sing.

28th. On the 4th September, Nunhee, a female of the Brahman cast, threw herself into a well and killed herself, on account of a severe pain in the stomach.

29th. On the 7th September, Sirdar, a Rajpoot, hung himself, on account of a severe pain in his eyes.

30th. On the 15th September, in the village of Banda, Jusoda, the wife of a barber, threw herself into a well and killed herself, on account of suffering from dysentery.

31st. On the 30th of September, Futeh, a guala, hung himself, from grief at the death of his wife and two daughters, who had all three died within the space of three or four days, in the town of Malthore.

32nd. On the 30th September, in the same town. Bindeea, the wife of a gardener, threw herself into a

well and killed herself, on account of a dispute with the wife of Kishun, gardener, about grinding some flour.

33rd. On the 30th September, in the town of Saugor, Dursoo, a potter, threw himself into a well and killed himself, on account of severe pain in the belly.

34th. On the 24th October, in the town of Malthore, Kohman, a Brahman, jumped into the river and drowned himself, on account of leprosy, which had broken out on him.

35th. On the 28th of October, in the same town, the wife of Perner, Lodhee, hung herself, on account of severe suffering from asthma.

36th. On the 31st October, in the same town, Motea, a Brahman, loaded his gun and shot himself, in a fit of madness.

37th. On the 18th November, in the town of Khimlassa, mehrajoo, the wife of a gardener, jumped into a well and killed herself, on account of a quarrel between her husband and Ram Sing, a farmer.

38th. On the 23rd November, Poneea, a female of the Cowherd cast, hung herself, on account of a severe pain in the stomach.

39th. On the 30th of November, in the Purgunnah of Khimlassa, Gomanoo, the wife of a brazier, jumped into a well and killed herself, from grief at the death of her son.

40th. On the 14th December, in the town of Kurapore, Mehrajoo, a female of the Brahman cast, jumped into a well and killed herself, on account of a severe pain in the eyes.

While in charge of the Sanger District, in the year 1831, I ordered all police officers in reporting cases of suicide, to mention the motives for self-destruction as far as they could be ascertained. The above report is for the year 1835, the only one by me.

W. H. S.

[Ibid.]

## CIVIL SERVICE ANNUITY FUND.

*Draft Memorial laid before the Meeting on the 1st of January, 1838.*

TO THE HON'BLE THE COURT OF DIRECTORS.

*Sheweth*—That the despatch of your Hon'ble Court addressed to the Governor-General in Council, and dated 3d May last, has been laid before the subscribers to the Civil Service Annuity Fund, at their annual meeting, having been communicated by the Government to the Managers of the Fund for that especial purpose, and thus has been printed and circulated to the Service.

That in this despatch your Hon'ble Court has declared your approval and confirmation of the rules passed by the Service to give effect to the measures of indulgence towards the Service sanctioned by the orders of your Hon'ble Court, dated 27th May, 1835; but your Hon'ble Court repeat the injunction that the rules so passed shall not be extended beyond three years without your further special sanction.

Your memorialists, on the part of the whole body of the Civil Servants, subscribers to the fund, whom they represent, beg to offer to your Hon'ble Court their humble thanks for the consideration manifested for the interests and wishes of your Servants in these orders.

Through the effect of the provision made for permitting the retirement of Servants on their completing one quarter only instead of one half of the value of the annuities, no less than fifty of your senior Civil Servants will be enabled to retire in independence, the majority of whom

must otherwise have spent the remainder of their days in India, some through loss of fortune, from disastrous commercial failures, others through disappointment and tardy promotion in their career of service, and many, it need not be concealed, through early improvidence and debts contracted under temptations that no longer exist.

Your Hon'ble Court has benefited directly from these retirements in the immediate relief they have given to the finances of this presidency; for a large proportion of the Servants who have so relinquished or are about to relinquish office, have been in the receipt of personal allowances and augmented salaries not continued to their successors; and, in many instances, a saving of the entire salary has been effected by abolition of the office on the vacancy occurring. Moreover, through the liberal provision thus afforded, your Hon'ble Court has been relieved from the claim which your Commercial Servants of this presidency, whose career had been confined to that department so as to unfit them for high offices in other lines of service, must indubitably have possessed of your liberality, consequent on the abrupt discontinuance of your trade in India. But the most important benefit of all has resulted, from the means and the inducement afforded by this more liberal provision to meritorious Servants worn out by their unrelenting exertions to relinquish important official situations, the duties of which they were from infirmity no longer able to perform.

The large number of retirements occasioned by these measures, has not, however, had the effect that might

have been anticipated in accelerating the promotion of Junior Servants; owing to the number of situations abolished, or filled by persons from other professions. To the working branches of the Service, therefore, there has yet been little gain in present position, and if the rule for completing only a quarter of the value of the annuity on retirement, is to cease altogether at the end of the third year, there will be none in future prospect, from the measures of relief devised by your Hon'ble Court.

Your memorialists being thoroughly convinced that the rule in question may safely be continued with advantage to the fund and without imposing new burthens on the finances of your Hon'ble Court, and feeling strongly the inevitable consequences that will follow from its sudden cessation are emboldened again to urge upon your Hon'ble Court their humble request that the present order for the rule to cease after it shall have been applied to the annuities of 1838, may be re-considered.

Your memorialists would submit that the effect of fixing a date for the cessation of the rule, has already been felt injuriously: Junior Servants whose due period of service and residence has just been completed, have hurried forward their applications and have retired without the excuse of failing health, and before their accumulation of means was properly advanced upon a calculation that the annuity at a quarter value now is the same thing as one taken two years hence under the condition of completing the half value. Thus the extra inducement offered within the period fixed producing anticipated applications from Junior Servants, the whole number of annuities is likely to be prematurely taken, and several Seniors will be deprived of their just provision, when in ordinary course the period of their retirement shall arrive. The regular current of promotion, which, while all are confident of obtaining the retiring provision when their turn shall come, flows evenly with contentment to all, threatens to become unnecessarily deranged, and the advantage conceded instead of being a fairly earned and certain provision, will be the prize of hasty eagerness, and a source of contentious jealousy and envious feeling.

If your Hon'ble Court had graciously permitted the rule to stand until stopped by a vote of the Service, the annuities granted on improved terms, instead of being seized with greedy avidity so as to threaten a deficiency to meet the applications, which your memorialists at present see reason to apprehend, would have remained for distribution amongst your Servants in the order of their being ready for retirement, and the measure would have been much more extensively beneficial without injury or loss of any kind to your Hon'ble Court.

Your memorialists solicit attention to the following brief reference to the principle on which the Annuity Fund was established as affording incontrovertible proof of the ability of the Fund to provide its annuities on the terms of quarter payment.

Your Hon'ble Court is aware that the prospective estimate, upon which the assurance of the stability of the Fund is founded, assumes an annual subscription from the Service of about three lakhs and a quarter (the real average has exceeded three lakhs and a half,) and a like sum being reckoned as donation from your Hon'ble Court, the sum of six lakhs and a half of sicca rupees was thus annually to be provided; but in order to furnish nine annuities per annum, an income somewhat exceeding nine lakhs was necessary, the calculation was therefore so made, that through fines to the extent of half the value of the annuities, a capital in shape of unappropriated balance should be provided in the early years of the institution, from the interest of which at six per cent., added to a permanent sum of about one lakh from fines, the remaining sum of two lakhs and a half of sicca rupees per annum should be secured at the end of the 25th year,

In the first ten years of the Fund the expenditure for the purchase of annuities, instead of being nine lakhs per annum, was less than half that sum owing to the paucity of retirements. Consequently the accumulation, instead of arising from fines, and proceeding in the ratio estimated, was a net saving out of the income from subscription and donation, and on the first May, 1836, it amounted to the enormous sum of Co. Rs. 74,02,874, or Sa. Rs. 69,40,195, exclusive entirely of the values set apart yearly as equivalent to the annuities furnished.

Your Hon'ble Court, upon representation of this condition of the Fund, and of the unfortunate circumstances which had combined to prevent the due retirement of your Bengal Servants, allowed annuities to be granted for three years on the terms of quarter payment. But with due foresight, and in order to secure the stability of the Fund, it was ordered, that before making this appropriation out of the inordinately large balance that had accumulated, one-third of the value of over-due annuities, together with any that might remain unclaimed at the end of the three years, should at once be added to the capital of the Fund, the interest of which was required to make good the annual income of future years.

Through the operation of this order the sum of Co.'s Rs. 39,81,301, or Sa. Rs. 36,69,969 only out of the above stated large accumulated balance was set apart to provide annuities on the new terms, leaving Co.'s Rs. 34,21,573, or Sa. Rs. 31,70,226 still available as a permanent capital yielding interest in addition to the other sources of income.

According to the accounts laid upon the table on the 1st

Balance as per account,	} 56,75,082
Deduct remainder of the appropriated	
36,81,301	

January 1838, this balance on the 1st May 1837, was increased to 44,60,763 Co's Rs. or 41,81,255 Sa. Rs. from which six lakhs being deducted to supply the additional six annuities of present year, there still remains Sa. Rs. 35,00,000,

yielding interest in the perpetuity. At six per cent. this reserve will give 2,10,000, sicca rupees to be added to the subscriptions a donation yielding between six lakhs and a half or seven lakhs. The Fund, has thus an assumed income from its present sources of very nearly nine lakhs, and as the balance is still increasing the income will very shortly exceed that amount.

This being premised, it must be obvious to your Hon'ble Court, that the question as to the ability of the Fund to continue the rule sanctioned for three years, under which a reduced number of annuities are granted on the condition of completing payment of one quarter of the value must resolve itself purely into a question, whether an income amounting at present to very nearly nine lakhs of Rupees, and expected shortly to exceed that amount, is equal to the providing of the number of annuities on such terms.

But nine lakhs of sicca rupees is the full average value of nine annuities, which might be purchased with the sum, without the Fund's demanding any further payment from retiring Servants. The rule for completing half the value was adopted, first in order to admit Senior Servants from the date of the Fund's being established, and that their payments might from the required capital, and secondly, for equalization of the benefit yielded by the Fund, and in order to provide a perpetual source of income, then deemed indispensable to secure annuities in sufficient number. If, however, the interest of the capital of the Fund yields a sufficiency of income to provide the full amount required, the fines may be dispensed with as a source of income, and a lower amount than one half may safely be assumed as the amount to be made good by the retiring Servants. The question therefore of the Fund's ability to continue furnishing even nine annuities on the quarter payment

terms, resolves itself into a simple calculation, whether the refunds to the more fortunate Servants whose subscriptions exceed the quarter value, are likely to equal, fall short, or exceed the fines to be required from others to make good that proportion.

Fines, 133,592-10-2  
Refunds, 18,060-13-5

1,17,532 0 0

The result of the experimental rule to the present date has shown an excess of fines above refunds amounting to 1,17,532 Co's. Rs.

But your memorialists are not prepared to draw from this circumstance the conclusion, that the subscriptions of retiring members will ordinarily fall short of that proportion, more especially when the Fund shall have been of that duration, that servants will ordinarily have subscribers for the whole period of their service. Although therefore your memorialists are convinced that the Fund may safely grant annuities to the extent of its fixed income on the terms of requiring no further payment in the way of fine from retiring Servants, and the necessity of making good, a quarter value may fitly and advantageously be applied as a limit only to the benefit any Servant may take from the Fund, the refund of excess subscriptions above that proportion ought not to stand as part of any permanent rule of the institution.

If indeed your Hon'ble Court determine to restrict the number of annuities permanently to six per annum or two-thirds of the original number, the values of the remaining three may be applied to the refund of excess subscriptions; but if the whole income be applied to granting annuities, there will be no source from which to supply this outlay.

Your memorialists therefore beg submissively to solicit from your Hon'ble Court, not that the rule as passed by the Service may be allowed to stand, under which only six annuities can be granted annually on the terms of quarter payment with refund of excess of subscriptions, but that you will permit the Fund to grant annuities not exceeding nine in number to the extent of the annual fixed income of the Fund from subscriptions, your donation, and interest on the fixed capital, under the condition of requiring retiring Servants to make good to the extent of a quarter of the value of their annuities; but receiving no refund of any excess in the amount of their subscriptions, in case these should at the time of retirement with interest exceed the annuities taken.

And your memorialists will ever pray,—*Calcutta Courier, Jan. 3.*

## STEAM MEMORIAL L, &c

The following draft of a memorial to the Board of Control intended to be proposed at the public meeting on Thursday morning next, is published for general information:—

### THE RESPECTFUL MEMORIAL, &c.

**SHREWETN.**—That your memorialists, under date 5th March, one thousand, eight hundred and thirty-six, addressed a memorial to your Right Hon'ble Board, praying that certain resolutions of the Select Committee of the Commons, which sat in July, 1834, recommending the immediate establishment of a Steam Communication with India by the Red Sea, might be forthwith fully acted upon; and that steps might be immediately taken in conjunction with the Hon'ble the Court of Directors of the East India Company, to establish a regular Steam Communication between the principal India Ports and the Red Sea.

That your memorialists very gratefully acknowledge the consideration and attention of your Right Hon'ble Board, in having in a letter, dated the 17th October, 1836, through your Secretary, to the address of the Hon'ble Sir Edward Ryan, Chief Justice of Fort William in Bengal, who signed the memorial on their behalf, acknowledged the receipt of the memorial, and declared that the subject should receive that consideration to which its great importance and the high respectability of the parties subscribing it were fairly entitled.

That since the date of the above memorial, your memorialists understand from a statement made by the President of your Right Hon'ble Board to the Select Committee of the House of Commons appointed in June last, to enquire into the best means of establishing a communication by steam with India by way of the Red Sea, that the Hon'ble Court have concluded an arrangement with Her Majesty's Government for the establishment of a monthly steam communication between Great Britain and India by way of the Red Sea, the communication being limited to Bombay; which arrangement was considered by the President of your Right Hon'ble Board as in effect conforming to one of

the alternatives proposed in the 5th Resolution of the Select Committee of the House of Commons in 1834, which left to the joint consideration of the Home Government and East India Company "whether the communication should be in the first instance from Bombay, from Calcutta, or according to the combined plan of the Bengal Steam Committee."

That your memorialists, sensible of the advantages derivable from the establishment of a frequent expeditious and regular Steam Communication limited to Bombay, adopted as it has been by the President of your Right Hon'ble Board, "in order to prevent delay in the commencement of so useful an enterprise, desire to express their gratitude to your Right Hon'ble Board for the establishment of such a communication; but your memorialists respectfully submit, that the advantages derivable from such limited communication, are in reality of little importance, when considered with reference to those which must result from extending it to the other presidencies: whether in regard to the intrinsic advantages themselves, or to the respective costs at which each is attainable.

That your memorialists have the less hesitation in pressing upon the consideration of your Right Hon'ble Board the expediency of the immediate extension of the communication to the other presidencies in consequence of perceiving, from the statement rendered by the President of your Right Hon'ble Board to the Select Committee of the Hon'ble the House of Commons, that the Hon'ble the Court of Directors have reserved the question of such extension for consideration after trial has been fairly made of the limited communication, and have further recommended to the Right Hon'ble the Governor-General to send either the *Atalanta* or *Berenice* round from Calcutta to Madras, thence to Ceylon and thence to Socotra and up the Red Sea, with a view to ascertain practically what objection there may be to that route; and because the select Committee of the House of Commons which was appointed in June to enquire into the best means of establishing a communication by steam with India by way of the Red

Sea, to whom this purpose of establishing the communication to Bombay alone was known, recommended, expressly with reference to such extension, a continued and zealous attention to the subject on the part of Her Majesty's Government and the East India Company; which extension, moreover, appeared to the Committee perfectly compatible with the arrangements in progress towards the limited communication.

That your memorialists regard this reservation on the part of the Hon'ble Court of the consideration of the ulterior extension of the communication to the three presidencies, and the recommendation to the Right Hon'ble the Governor-General, to cause an experimental voyage to be made from Calcutta, as a recognition, by the Hon'ble Court, of the superiority of the extended over the limited communication; and the President of your Right Honorable Board having expressly declared his opinion in favor of such extended communication, your memorialists therefore deem it to be the less necessary to dwell on that superiority. They would, however, briefly state, that under the restriction to Bombay the advantages of the communication to the rest of India, beyond the more speedy conveyance of correspondence, and that limited as to size, are of little value, from Calcutta, between which place and Europe by far the most extended intercourse obtains. Passengers can never be sure of reaching Bombay in time for the steamer; and your memorialists would respectfully observe, that it is chiefly from mutual personal intercourse that the benefits and advantages contemplated by the Hon'ble Court of Directors in their despatch to the Government of Bombay under date the 14th March, 1834, must spring.

That, as regards the intercommunication between the Home Authorities and the Presidencies on the eastern side of India, and especially the Supreme Government, the confinement of the communication to Bombay, must limit the correspondence to short letters consisting merely of general heads of information on the one hand and instructions on the other; while by the establishment of a monthly steam communication with the three presidencies, the minutest details of the several Governments, recorded in the proceedings of the Governments, as well as in those of the several boards, could be conveyed Home monthly as they occurred, within 60 days of their transmission from India; thus furnishing the ruling authorities at home with a regular connected series of fully detailed *perfect* information of all proceedings throughout all India, in accordance with the grand desideratum as declared by Mr. Peacock, in his evidence before the select committee of the House of Commons; viz. "In time of war expeditious communication is advisable; in time of peace regularity is the thing and *perfect* knowledge when we have it; if we have a regular communication and *imperfect* knowledge occasional expedition will not make up for it."

That your memorialists refrain from enlarging further on the obvious incalculable mutual advantages which must arise to the two countries by approximation in the most ample form of which it is capable; and rather address themselves to urging on your Right Hon'ble Board to concur with the Hon'ble the Court of Directors in the immediate establishment of the communication to the three presidencies on the most enlarged and liberal scale; worthy at once of the two countries, and of the prospects of real good, which such a communication, so established, hold out not merely to India but to the whole of Eastern Asia.

That it appears to your memorialists that no experimental voyage can be necessary to establish the practicability of the communication being carried on monthly from all the presidencies of India, due attention being

had in the South west monsoon in the Arabian Sea to such a course being taken as circumstances may render necessary; that in fact there is no part of the world where steam navigation can be so regularly and securely carried on as in India, where from the regularity with which the winds blow, a steamer can take a position to windward of her intended port without fear in the intermediate time of a change of wind.

That referring to the declared opinion of the Select Committee of the House of Commons to the effect that the more extended system of communication is perfectly compatible with the arrangement in progress for the limited communication to Bombay, your memorialists would observe that this compatibility could be much more easily and advantageously applied, if the arrangements for the whole measure were in progress simultaneously, than if those for the extension are left out of consideration in the arrangements for the limited communication; because it may be found that arrangements sufficient for the latter may not be so for the former, whence it might be necessary, at some sacrifice to remodel the establishment prepared for the limited communication.

That your memorialists observe from the evidence of Mr. Peacock, before the Select Committee of the House of Commons, that the overland postage of the letters sent from all other parts of India to Bombay for steam conveyance is considered as an indemnity to the East India Company towards re-imbursement of one-half of the charge of conveyance of the mails between Alexandria and Bombay.

That the individuals residing in Calcutta and its neighbourhood send and receive very nearly one-third of the whole number of letters that pass between England and India, notwithstanding which if it were impracticable to distribute letters from England by steam vessels by any other means than through Bombay, of course your memorialists could not complain of the necessary charge for the conveyance of their letters between Calcutta and that place; but when the British Legislature, with characteristic liberality in cases of transmission of correspondence, has limited the postage of a single letter to 1s. from the Red Sea to a *any port in the East Indies*, your memorialists do consider it to be unreasonable and unfair that they should be compelled to contribute to the means of transmission to Bombay only, by an additional payment of fifteen annas or 1s 9d.; that the inhabitants of Madras and its neighbourhood are in like manner subject to this unreasonable impost in the reduced amount of the overland postage to that place. In fact your memorialists submit that by the restriction to Bombay the intended liberality of the legislature of Great Britain and the consequent advantage of the multiplication of correspondence is shut out from the inhabitants of Calcutta and Madras and from others residing within two or three days dawk distances, involving, your memorialists venture to assume, nearly if not quite the half in number of all the letters dispatched from India.

That such unreasonable and unfair impost necessarily must continue until the communication is extended according to the prayer of your memorialists, and your memorialists ventured to hope that even under this view alone your Right Hon'ble Board will see the expediency and justice of at once extending the communication to the three presidencies, especially when, in addition to the above heavy tax on their correspondence, your memorialists as well as the inhabitants of Madras and its neighbourhood, are unable to despatch by the regular dawk to Bombay for conveyance to England by a steamer at whatever cost, or however important the occasion may



be, any document exceeding 12 tolas or 4oz. 10dwt. in weight; nor by dawk bany any parcel of greater weight than 600 tolas or 10lbs. 2oz. by which latter conveyance the time occupied between Calcutta and Bombay will be nearly doubled; the time by the regular dawk in the N. E. monsoon, when laden with the steam mail being thirteen days, while in the S. W. monsoon it is estimated it will take 15 or 16 days.

That your memorialists firmly believe that until such extended communication, as that now prayed for, is established an almost universal dissatisfaction will prevail throughout India especially as Her Majesty's ministers have, through the Lords of Treasury and the particular ministerial authority for the affairs of India, the President of your Right Hon'ble Board, expressly declared their unqualified concurrence in the now repeated anxious wish and desire of your memorialists and of India generally; while the evidence lately taken before the Select Committee of the House of Commons, cannot fail still further to satisfy your memorialists, and the people of India in general, of the justice, sound policy, and expediency of at once establishing a regular and expeditious steam communication between England and the several presidencies on a scale adequate to the growing wants of India in her relations with Great Britain.

That your memorialists therefore most earnestly and respectfully pray that your Right Hon'ble Board will, in conjunction with the Hon'ble the Court of Directors, forthwith establish such a steam communication between England and India as may give public satisfaction and fulfil what has been admitted by the highest authority connected with the government of British India to be the "just expectations of the people both of England and of India."

N. B. the memorial to the Court of Directors is the same *mutatis mutandis* and with the omission of the second paragraph.—*Hurkaru, January 3.*

### CAPTAIN GRINDLAY'S EXPLANATIONS.

To C. R. GREENLAW, Esq.

*Secretary to the New Bengal Steam Fund.*

SIR,—I have to acknowledge the receipt of your letter dated 1st May, 1837, enclosing a resolution passed by the committee of Calcutta at a meeting held on that day.

As I trust that by this time my constituents in Calcutta entertain a feeling with regard to my labours very different from that which is expressed in the resolution which you have transmitted, I might perhaps be justified in abstaining from any comment upon it, and trusting to the slow, but generally certain effect of time to secure me justice.

The adoption of this course, however, might not be free from the appearance of disrespect, and for this reason I think it necessary to make a few explanatory remarks.

In the first place I must observe, that the resolution is based upon an assumption that is incorrect. It is assumed that I have not advocated the extended plan of steam communication, and for this imaginary neglect the penalty of the disapprobation of my constituents is to be inflicted. I cannot but regret, and not less on account of those who passed the resolution than of him who is the object of it, that a little more attention was not previously given to the whole tenor and course of my proceedings, and also that the great principle of justice was not adhered to, which requires that a man should be heard before he is condemned. Without affording me an opportunity of explaining such parts of my conduct as my constituents might deem to stand in need of explanation, I receive the most painful expression of disapprobation which it was in their power to convey.

That the indictment might be rendered as galling as possible, it is somewhat ostentatiously announced in the public journals of India, and communicated to

various individuals in this country, with a promptitude and industry which would seem rather disproportioned to the object, even if the resolution had been the result of full and impartial investigation, instead of being founded upon *ex parte* views and heated feelings.

No opportunity of defence or exculpation is allowed me. The first official intimation that I receive of the existence of a charge against me, is the transmission of my conviction and sentence. I cannot reconcile this to any principle of fairness, and I am sure that upon review it will appear even to those who have been parties to the proceeding, that I have been hastily dealt with.

Returning to the question, whether or not I have advocated the extended plan, from the discussion of which I have been led by the extraordinary course of proceeding adopted. I beg to submit that I have been the constant, determined, and unwavering supporter of that plan, from a period antecedent to my connection with the Calcutta committee, and that I have devoted all the mental and physical energy which I possess to promote its success. It has been the object to which all my labours have tended, and from which my attention has never been for a moment withdrawn. For evidence of this I may refer to almost innumerable passages of my correspondence, and to the testimony of all persons in this country who have had the means of observation. I am so much at a loss to conceive the grounds upon which is rested the assumption, that I have not advocated the extended plan of communication, that I am scarcely in a condition to meet the charge in any other way than by a plain denial.

Of the extent and persevering consistency of my advocacy, the subscribers generally have not the same means of judging as those who have been more immediately concerned in the management of the correspondence. Much that could not be conveniently introduced into public letters, has been adverted to in private communications; and when I am attacked for neglecting that object which I have incessantly laboured to promote, I must rely upon the justice of those who are better informed, to give me the assistance of their good report.

I have understood indeed that exception was taken to a small part of the pamphlet which created so considerable a sensation where none was felt before, and the publication of which I sincerely believe was a most influential movement towards the end for which we were striving. I have heard that it has been imputed to me as a dereliction of duty, that I did not in that Pamphlet insist upon the extended plan or none at all. My answer is that the entire tendency of the Pamphlet is to give an impression that the extended plan is not alone the most eligible, but that it is that which must ultimately be adopted. These are the views pervading the pamphlet, while in the appendix of documents the reader is conducted at once to the same conclusions in a more direct manner. This course was adopted neither from coldness, nor from indolence, nor from carelessness. It was the result of deliberate consideration, and time has but convinced me more and more of its propriety. The pamphlet did not expound all the views which I entertained on the subject nor all which I was anxious to communicate. It was but the commencement of a series of labours to draw attention to the subject, to awaken the public mind and gradually to inform it. I never professed my object to be different from what I now state it to have been. In my letter of the 24th December last, which accompanied the pamphlet I spoke of it as intended to "prepare the public mind for further measures," and this is the language which I have invariably held.

But why did I not take other ground and desire at once the establishment of the extended plan? Because such conduct would have been the height of imprudence.

Authority was against us, some of the advocates of the communication were against us, and the public was

not then with us. I was anxious while rousing the last of these three parties, not to alarm the other two. I was desirous of calling forth no enemy, and of ensuring to the cause as many friends as possible. I dreaded wasting time and losing strength in discussing points of detail, all that we could command both of time and strength were required to draw attention to the principle. It is not vanity to say that no man in this country is better acquainted than I am with the difficulties which stand in our way, and I can testify that we had no strength to spare and no time to waste. I might have taken the course which it seems now to have been desired that I should take, but I conscientiously believe, that the result would have been a considerable loss of friends, increase distaste to the question in the higher quarters, and comparative indifference on the part of the public.

Whenever I had an opportunity of safely enforcing the advantages of the extended plan I availed myself of it; and if I had not been constantly thwarted in my desire to aid the cause in public meetings, those opportunities would have been much more numerous. Let me here call attention to the resolutions prepared by me for the public meeting which I was anxious should take place in the city of London, and which at one period I had sanguine hopes of obtaining. One of these resolutions refers expressly to the beneficial effects of the proposed steam communication in reference to China, the Indian Archipelago and Australia. This implies the adoption of the *most comprehensive plan of communication*, and the resolution was expressly framed to imply this without calling for opposition or alarm. The same view was embodied in a clause of the proposed petition.

That these meetings which I had projected with others all over the country, did not take place, is no fault of mine; I laboured incessantly to obtain them, but in vain. Had I been successful upon this point we should have been armed with a strength which could not have been resisted, and I have no doubt, that by this time we should have had the extended plan in operation, I submit then, that it is both harsh and unjust to cast blame on me for the consequences of a course for which I am not responsible, and which I resisted to the full measure of my power.

In evidence of my zeal and of the object to which it was directed, I refer to the following letter addressed by me to the Home Committee on the 16th May last.

The Right Hon'ble Lord Wm. BENTINCK.

J. MACKILLOP, Esq.

E. FLETCHER, Esq.

G. G. DE H. LARPENT, Esq.

Wm. CRAWFORD, Esq.

T. M. TURTON, Esq.

} The home  
committee of  
the Bengal  
steam com-  
mittee.

London, 16th May, 1837.

The question of steam communication with India has undoubtedly made some progress in the quarters where alone the power resides of carrying it into full effect.

The line to India will probably soon be perfected by extending the communication already established between England and Alexandria to Suez, Mocha, and Bombay; and there is reason to hope that some additional facilities may be afforded by occasional recourse to the new line of packets about to be formed in the Mediterranean by the French Government, aided by overland communication to and from Marseilles.

This appears to be the extent of what is at present to be looked for, and though it is to a certain degree satisfactory, it is obviously less than is required either by the wishes or the necessities of the Indian community. No plan will meet their views and interests which does not embrace a monthly communication will all the *presidencies*; and so long as it is confined to one, the advantages contemplated must be very imperfectly realized.

The expectations of India on this point are reasonable, and the object to which they point undoubtly practicable. The *comprehensive plan* has in its favor not only

private suffrage but has been sanctioned by the deliberate judgment of the treasury and the India Board. Under these circumstances, there could be no impropriety in endeavouring to assist Government in carrying out the plan which two of its boards have admitted to be the best. One of the principal reasons for the hesitation of Government to act upon its own views, is probably the apprehension that public opinion is not prepared to support them. This belief if it exists is certainly erroneous, and the most ready and complete way of removing it would be by petitions emanating from a public meeting in the city of London. The objection to this proposition formerly existing in the mind of Sir John Hobhouse may not continue in its full strength, and in whatever degree it may remain it might probably be removed by a proper application.

To this end the good offices of Lord William Bentinck might be requisite.

His Lordship's influences it may be hoped, would be successful in obtaining the consent of the President of the Board of Control to the adoption of a measure which is resorted to in all cases of public interest, and is usually found far more efficient in promoting a desired object than any other means which can be used.

(Signed) R. M. GRINDLAY.

Deprived of those public means which would have been most efficacious, I was thrown entirely upon the use of private efforts; and to these I devoted myself to the injury of my health and to the neglect of my personal interests, amid a host of obstacles which would have deterred any man who did not despise both ease and self-advantage when they stand in the way of his duty. I experienced much anxiety and subjected myself to an overwhelming mass of labour, but I have the satisfaction of knowing that it was not altogether in vain. Obstacles gradually disappeared, the public become interested in the question, hostility diminished. One of the home authorities consented to admit the principle which it had always before steadily rejected, the other avowed itself a convert to the extended plan. Are these things nothing? Or have they been effected without human agency? What share I have had in producing them I leave to others to declare, and I may appeal to two of the warmest, most judicious, and most intelligent friends of the extended plan, Lord Wm. Bentinck and Mr. Turton, for justice to myself, as well as to your Home Committee.

From the moment that we obtained the ear of the public and of the authorities, I avowed publicly as I had before done privately, my *advocacy of the extended plan*: could I then take this step without compromising the interests of my constituents, and I lost not a moment when the proper time arrived.

I would call especial attention to my evidence before the late Parliamentary Committee, and to a paper formerly transmitted to you, which I had proposed to tender as my evidence.

Time will not allow me to enter into particulars so fully as I could wish, and indeed the vague nature of the charge against me renders it impossible for me to know to what particulars I ought especially to speak. On the fifth of August last, I addressed a letter to you containing a brief review of my proceedings with a statement of some of the reasons by which they had been governed. I enclose a copy of that letter now and request that it may be considered as a part of my present communication, and submitted with it to the subscribers.

I know that I have served them zealously and I believe discreetly. I cannot believe that they will eventually blame me for a discretion which has saved their cause from being wrecked, and in the anticipation of the return of more kindly feelings I suspend until this communication has been considered the proceedings which would finally dissolve a connection which I have always felt to be an honor.

The home committee will meet on the 20th proximo, when they will have an opportunity of passing judgment upon my conduct. I fully believe that it will be a most favorable one, and as they have had the best means of observation I need not say that whatever it may be, it will merit the highest respect.

I have the honor to be, Sir, your most obedient servant,

(Signed) R. M. GRINDLAY.

London, 30th September, 1837.

### CATPAIN GRINDLAY'S RETROSPECT.

London, 5th August, 1837.

To C. B. GREENLAW, Esq.

Secretary to the Bengal Steam Fund, Calcutta.

SIR,—From the period when I had the honor of undertaking the charge which the committee at Calcutta were pleased to entrust to me, I have kept them continually advised of the steps which had been taken to advance the question, and of the degree of success by which they had been attended. With regard to our progress previously to the 1st of June, I can have therefore but little that is new to communicate; but the transmission of the report of the committee of the House of Commons appointed during the last sessions, appears to me to be a proper occasion for taking a very brief retrospect of our proceedings. By looking at the state of the question when it was first taken up, comparing it with its present position, and observing the intermediate steps by which the change has been effected, we shall, I think, be enabled better to understand and appreciate both our prospects during the past, and our prospects for the future.

Previously to my being honored by the first instructions from my constituents in India, I had devoted my attention to the subject of steam communication, but appearances here were of the most dark and discouraging description. To say that the public generally and even the more intelligent part of them were indifferent on the subject will not convey an adequate idea of the prevailing state of feeling. That state was apathy at its extreme point—if I might be allowed to add a superlative to a superlative—I would say at its *most* extreme point.

The ignorance prevailing upon the subject equalled the indifference, and was indeed in a great degree the cause of it. Many perhaps a majority of those who took the trouble of ever bestowing a thought on the subject, believed the design to be about as practicable as a proposal for a communication by balloon. Others who did not deny a steam communication with India to be within the limits of possibility, were frightened at the enormous expence which they believed necessary to establish and keep it up. Others again were insensible to the advantage of such a communication, and many commercial men of eminence believed that it would be prejudicial to existing interests of greater importance than those which it was proposed to serve. This difficulty was especially felt by Major Head in his endeavors to obtain subscribers to his scheme, and the fact that his project received such slender encouragement, at a period when the mania for joint stock speculation was raging at its greatest height, must be regarded as a convincing proof how little disposed the people of this country were to promote the object which in India was felt to be of such existing interest. Worse than all, those in authority were either against us, or not decidedly with us. The Euphrates expedition was then in progress, it was a favorite in high quarters, the most sanguine hopes were entertained of its success, and it was distinctly asserted that the conveyance of letters by that route, was all that the public had a right to expect, and all that the Government ought to provide for. The Red Sea route

found advocates indeed in those who had studied the question and understood its practical bearings; but these persons were few, and unfortunately not in the most influential stations. The Court of Directors twice rejected the plan in any form; and the evidence of Sir John Hobhouse will shew how strong was the feeling against it. In the legislature nothing was to be hoped for, until the stagnant power of public opinion had been effectually stirred; the Bombay petition had been presented by the President of the India Board, but this step so far from creating any interest corresponding with the magnitude of the question did not even elicit a single remark. The Houses of Parliament partook fully of the public torpor.

In this state of things the obvious course was to proceed gradually, but steadily in the work of awakening and enlightening the public mind on the subject which we had at heart, and the greatest caution was necessary to avoid the danger of throwing over the plan altogether, possibly for years. It was necessary not to claim too much at once lest both the public and the Government should become alarmed, and indifference should be exchanged for what would have been still worse, obstinate resistance. It was necessary, indeed, to divert attention exclusively to the Red Sea, and to maintain the superiority of that line over every other; but this ground being taken as the basis of the movement, it was desirable to avoid controversy as far as it was possible. It was desirable to make no enemy and to lose no friends. These were the principles which I laid down for my own guidance, and on them I have invariably acted.

The first public step taken by me was the insertion of the circular in the *Times*\* newspaper of the 29th of September. The circulation and influence of this journal are such as to render it the best vehicle for preparing the public mind and giving it a required direction upon any subject. Having commenced the moment in this widely read and influential journal, I continued it by publications in various papers and periodicals, the majority of which are named in the margin.

Thus far I acted solely on my own views and I believe that my labors were not in vain. On receiving the Committee's instructions I placed myself in communication with Lord William Bentinck and the gentlemen appointed to act as a home committee.

From this period my system of operations under their sanction has been so fully and regularly submitted to your notice, that a mere glance at them will be sufficient.

I may remark that as Parliament was not sitting, our only course was to endeavour to act upon the public; and the general apathy on which I have already dwelt, would indeed have made this advisable though Parliament had not been prorogued. The memorandum dated the 3d October, details the various modes by which I proposed to prepare the way for opening the Parliamentary contest with effect. It will be recollected that a plan was laid down for a series of public meetings and of petitions emanating from those meetings. I was especially anxious upon this point, because it would have given us opportunities of doing that which could not be done safely in any other way. Had the proposed meetings taken place, they might have led without difficulty to the adoption in their petition, of language utterly inconsistent with any system of communication, but that which is the best and most desirable, namely, the most comprehensive.

To illustrate this I may refer to the draft of the proposed London petition. The London meeting, had it taken place, would, in all probability, have been composed of persons of every possible degree of information and every possible shade of opinion. At such a meeting where many would know little or nothing of the subject, where many more were but half friends or perhaps concealed enemies, and where another portion would probably be enamoured of some favorite plan of their own,

\* *Times*, 29th September, 1836.

and consequently indisposed to tolerate any other which is threatened to interfere with it, in such a meeting, and with public opinion uninformed and wandering, the friend of a communication with all the ports of India could not venture to speak out as decidedly as they could wish, but the communication contemplated in the petition drafted for that meeting is with "*India and China*" without limitation, the widest extension which the most ardent friends of the plan could desire. By such a mode of advancing the comprehensive plan we should have escaped opposition, at the same time that we had a prospect of enlisting on our side, interests not immediately connected with India. I have continually regretted the disappointment of my views with regard to public meetings, and for no cause more than for this, that we lost the opportunity of pledging the petitioners to the extended plan, and of acting upon the Government in its favor, with the full force of their united influence.

It is indeed useless to regret that which has passed, but it is necessary in this case to advert to it, in order to shew that the plan was arranged so as to carry the petitioners the full length that could be desired.\*

The press was another engine of which I proposed that we should liberally avail ourselves. In commencing this branch of operation it appeared to me desirable to fix attention by issuing something very brief, but to the purpose. As opinion then was, a great mass of printed papers would not have been read. Selection and compression were necessary; in making a choice among the materials received from India it was due both to my constituents and the cause that the views both of Calcutta and Madras should be presented to the public here. To effect this object I printed the Calcutta circular, the Calcutta petition and the Madras petition preceded by a short appeal in favor of the communication "*with all parts of India*." A map accompanied, which was made the means of silently advancing the more perfect plan of communication, for by pointing out the route to each of the principal parts of India, it was to be inferred as a matter of course that one of them was to be neglected.†

This paper was circulated throughout every part of the kingdom. Articles in the various literary journals mentioned in the margin succeeded.‡

For one important publication (the Asiatic Journal) distinctly advocating the comprehensive plan, we are indebted, as I have already mentioned, to a very high authority, with whom I was in daily communication.

Attention being thus partially roused it appeared to me that a separate publication on the question, somewhat

longer and more elaborate than any which had yet been ventured might now be hazarded. I therefore prepared and published my pamphlet. I was convinced by this time the public would read such a work, which at an early period they would not. §

One difficulty was thus removed, but others remained in full force. We had raised so much of sympathy in the public mind that we might fairly expect by a further effort to excite much more, but there was still the risk of going too fast, of overrunning public opinion, of exciting collision and calling forth opposition, and, I must add, my conviction, that a very slight opposition would have been fatal to all our hopes! It was necessary, therefore, to say only so much as would be received without very great difficulty, and thus prepare the way for the rest, which might follow in due time. I must confess that I looked with much anxiety to the reception of that pamphlet. I did not feel quite assured that the public appetite was prepared for it, and I was in some fear that either it might excite no attention, or might provoke some hostility. With regard to the latter point I was fortunate, the only discontent called forth was from the advocates of the Euphrates plan; as to the effect of the pamphlet I was still more fortunate, and I need only refer in proof of this to the immense number of notices referred to in the margin. If I am informed by those well acquainted with literary affairs, that the circumstance is nearly if not altogether without parallel, except in the case of some work of general literature, emanating from an author of distinguished name, and calculated for popular reading and entertainment. It may be proper to state that the notices were the actual productions of the parties having the literary management of the publications in which they appeared—care was taken that the pamphlet was placed before them, but no means were used to influence their judgment. Their unanimity may, I think, therefore, be accepted as a proof that whether or not I displayed any great portion of talent, I was at least not deficient in the equally indispensable quality of judgment.

I excited attention without creating opposition, and this effect is attributable to the cautious avoidance of all controversial matter as far as was consistent with the general advocacy of any particular plan. These testimonials were not without effect; some who had been

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§ Keene's Bath Journal; Bath Cheltenham Gazette; Cheltenham Herald; Brighton Herald; Brighton Guardian; Brighton Patriot; Leamington Chronicle; Falmouth Packet; Chester Courier; Worcestershire Guardian; Halifax Express; Salisbury Wilshire Herald; Lincolnshire Chronicle; Doncaster Chronicle; Kent Herald; Cheltenham Chronicle; Manchester Times; Birmingham Herald; Bury Suffolk Herald; Derby and Chesterfield Reporter; Chelmsford Chronicle; Doncaster Gazette; Glasgow Scots Times; Yorkshireman; Kentish Chronicle; Metropolitan Conservative Journal; Sheffield Independent; North Derbyshire Chronicle; Dundee, Perth, &c. Advertiser; Berkshire Chronicle; Hereford Times; Derbyshire Courier; Tyne Mercury; Scottish Guardian; Gravesend Journal; Glasgow Constitution; York Courant.

|| Dublin Evening Post; Preston Chronicle; Halifax Guardian; Morning Herald; Edinburgh Observer; Gloucester Journal; Berwick and Kelso Warder; Nottingham Journal; Kendal Mercury; Cumberland Packet; Liverpool Mail; Life Herald; Berwick Advertiser; Perthshire Courier; Devonshire Chronicle; Nottingham Mercury; Brighton Gazette; Boston Herald; Woolmer's Exeter Gazette; Coventry Herald; Devonport Independent; Nottingham Journal; Hert's Reformer, West Briton and Cornwall Advertiser; Edinburgh Evening Courant; North Staffordshire Mercury; Western Luminary; Exeter Flying Post; Caledonian Mercury; Northampton Chronicle; Edinburgh Observer; The Comet and Channel Island Advertiser.

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\* Times, 9th September; Naval and Military Gazette, 10th September; Atlas, 11th September; Times, 13th September; Morning Gazette 23d September; Morning Herald, 30th September; Atlas, 2d October; Times, 5th Oct.; Atlas, 9th Oct.; Times, 10th Nov.; Atlas 6, 13, 20; Morning and Railway Gazette, 26th Nov.; Liverpool Mail, 29th; Atlas, 4, 11, Dec.; Sheffield Mercury, 3d Dec.

† Manchester Guardian, 30th Dec.; Asiatic Journal 1st Dec.; Times, 9th Dec.; Times, 4th and 5th Jan.; Morning Post, 4th; Atlas, 8th Jan.; Steam Navigation Gazette, 7th Jan.; Times 23d Jan.; Chronicle, 26th Jan.; Examiner, 22d; Railway Gazette, 23d Jan.; Asiatic Journal, 1st Feb.; Morning Chronicle, 23d March; Morning Advertiser, 24th March; Times, 30th May; Times 8th June; Atlas, 4th and 11th June; Times and Morning Herald, 16th June; Times, 4th July; Atlas, 2d July.

‡ Asiatic Journal, 1st Oct.; United Service Journal; Asiatic Journal; Examiner; Morning Post; Atlas; Constitutional; Morning Gazette; Prince's London Price Current; Morning Advertiser; Liverpool Journal; Liverpool Chronicle; Sheffield; Iris; Leeds Times; Farley's Bristol Journal; Hull, Rockingham, Glasgow Chronicle; Cheltenham Free Press.

strongly, and I doubt not conscientiously opposed to every plan of steam communication with India, and others who had been specially opposed to that by the Red Sea, gave way. Government saw that the public were becoming interested in the matter, and that something must be done; and had we been fortified by public meetings and petitions, there can be no doubt that the comprehensive scheme would have been carried at once.

At the meeting of Parliament we had made some way. We had not done then all I wished, but I had done all within my power, and we were in the condition to expect that Government should at least give us a hearing. I was anxious for the early presentation of the petitions, but difficulties arose partly from the distracted state of public business, and partly from other causes. Lord William Bentinck was desirous that we should have the co-operation of Major Head's Company; with a view of effecting this object various meetings took place which ended in nothing. Indeed had the terminations been different as far as we are concerned the ultimate result would have been the same, as Sir John Hobhouse's evidence shews that the London Steam Company had no chance whatever with the Government. During this period, as before, I continued to urge the importance of public meetings and petitions; but, unfortunately, with no better success than formerly. I was compelled, therefore, to content myself with the use of the means which fell within my personal power.

The question continued to be postponed in Parliament until its friends had reason to be sick at heart; and a main cause of this was an impression that it would be taken up by Government in a proper spirit. Our interview with the chairs and with Sir John Hobhouse were considered to a certain extent satisfactory, and the declaration of the President against public meetings was held to be decisive as to their prohibition. At the same time, I could not but feel that though the chairs had expressed themselves *individually* favorable, this was all, and I could not but see that Sir John Hobhouse still retained a lingering attachment to the Euphrates plan. This feeling was so apparent, that with a view of soothing it, and thus winning a most influential man from an impracticable plan to one that was feasible. I took the opportunity afforded by a second edition of my pamphlet, to offer such an explanation upon that delicate subject as I thought would be gratifying to Sir John Hobhouse and would dispel any reluctance which he might feel to a retreat from the Euphrates to the Red Sea, and the comprehensive plan. As I compromised no principle and endangered no interest of my constituents, I thought, and still think, that I was acting prudently. I pressed the holding of public meetings though opposed by authority, but it would have been foolish to contend with authority upon a point which by the course of events was so rapidly becoming one of no practical importance.

I need not mention that my public exertions have formed, but a very small part of my labours in the cause. No channel has been neglected through which an impression was likely to be made, and I rejoice to know that these efforts have not been without effect.

The letters from the treasury and from Sir John Hobhouse to the court, shew, that the comprehensive plan has made its way with the Ministers of Her Majesty's Government. It was not equally successful elsewhere, and the arrangement made may be regarded as a compromise.

It seems clear that the Court of Directors would not at present yield more, and it may be presumed that Sir John Hobhouse abstained from pressing the matter further lest he should risk that portion of it which has been gained. The danger of the question being lost altogether, is apparent from Mr Melville's evidence.

Here in my mind arises additional reason for regretting that we did not strengthen the hands of Government by public meetings and petitions.

That under any circumstances would have been my plan had I been left to choose; it is but fair, however, to say that the state of the question as between the two authorities was kept very closely. Lord William Bentinck, one of the warmest advocates of the comprehensive plan, constantly expressed himself satisfied with our prospects, and repeatedly delayed the presentation of the petition at the suggestion of Sir John Hobhouse, who said that when prepared to state the intentions of Government, the petition would be a powerful auxiliary to him.

We know that he was friendly to the comprehensive plan; but during the month of May, I obtained private information of the possibility of an unfavorable turn, and, in consequence, addressed to the home committee a letter of which you have a copy. In this, I re-urged the necessity of public meetings and petitions on the ground "that no plan would meet the wishes and views of the Indian community which did not embrace a communication with all the presidencies," and that "as the comprehensive plan had in its favor not only private suffrages but had been sanctioned by the deliberate judgment of the treasury and the India Board, there could be no impropriety in endeavouring to assist Government to carry out the plan," by the means which I recommended. You will have seen, however, that I failed to convince the committee of the necessity of this until too late, and I believe that Lord William Bentinck now considers this a subject of regret.

I will not recapitulate the contents of my letters of June and July. You are aware that Lord William Bentinck finding that it was intended to introduce a partial measure, moved for the appointment of the select committee. I have stated that some of its members were averse to the comprehensive plan, and Sir John Hobhouse having failed in his efforts with the Court of Directors took the adverse side also and carried his party with him. The consequence was that the affair was nearly strangled in its commencement, and nothing but the indomitable perseverance of Lord William Bentinck and Mr. Mullins prevented the committee separating immediately after Sir John Hobhouse's evidence had been heard, without hearing any more or making any report.

On the prospects of the question I will not now speculate. Lord William intends to bring it forward, and in a future Parliament, as it is now so generally understood that he will have abundant aid from without and I trust it is unnecessary for me to assure you of my unceasing exertions to promote it. I am truly happy in being able to add that Lord William has repeatedly expressed his sense of my services, and his entire approbation of the measure which I have throughout adopted; and I need not I trust add, that my best exertions will be at the command of the friends of the comprehensive plan, and I shall co-operate in completing the object in view as zealously as I have thus far added its progress.

After being compelled to say so much of myself it is delightful to have to bear testimony to the merits of others, and I am bound to say that I feel it quite impossible to render justice to the valuable services of Mr. Turton, and to the zeal with which he has served the cause ever since his arrival in this country.

In reviewing my own proceedings, I feel that I have acted to the best of my judgment, I mean of my present judgment as well as of my judgment at the time the different transactions took place, and had I the same duty to perform again, I would take the same course; our tactics in this country are necessarily different from those of India.

There the Government is every thing, here the Government is powerless, unless supported and urged forward by public opinion.

I have the honor to be, Sir, your most obedt. servt.

(Signed) R. M. GRINDLAY.

To C. B. GREENLAW, Esq.

Secretary to the New Bengal Steam Fund.

SIR,—We have heretofore abstained from reporting the progress in this country of the question of steam communication with India, because we understand that Capt. Grindlay transmitted monthly a detailed account of such particulars as would keep you duly acquainted with the course of events here. Our object having now been partially attained we feel called upon to congratulate you upon the degree of success which has attended our exertions, and to express our earnest hope that the step which has been gained is but the prelude to complete realization of our wishes, and that a few months will produce the extension of the communication to all the principal ports of India. You are aware how zealously the comprehensive scheme has always been supported by your late Governor-General. The opinion which he has hitherto maintained he continues to hold, and is prepared to assert them in the next session of Parliament, when the subject will be again pressed upon the notice of the legislature. Great caution has been necessary to avoid ruining our prospects altogether by too much rapidity of action, but we have now gained a point from which we cannot be driven, and the possession of which will enable us to advance with greater certainty and confidence.

We forward a memorandum which will convey some knowledge of the difficulties with which we have had to contend, difficulties which could only be surmounted by the operation of time aided by caution and discretion. Captain Grindlay has devoted his time almost exclusively to the furtherance of your views, and has constantly been engaged both publicly and privately in promoting their success. As we have had opportunities of becoming acquainted with his labours not enjoyed by his constituents in India, we think it due to him to bear testimony to the unwearied zeal, judgment and assiduity, with which he has sought to advance their interest, and to express our entire satisfaction with his conduct throughout the proceedings in which we have been engaged.

We have the honor to be, Sir, your most obedt. servts.,  
(Sd.) J. MACKILLOP.

W. FLETCHER, Sd. by MR. MACKILLOP.

G. G. DE H. LARFENT.

King's Arms Yard, London, Aug. 4, 1837.

[Hurkaru, Jan. 4.

## STEAM MEETING AT THE TOWN HALL.

The Steam Meeting at the Town Hall on Thursday was very numerously attended. At a little after ten the Sheriff took the chair and read the requisition on occasion of which the meeting had been called, and having so done, he proceeded as follows: Gentlemen, had the occasion upon which we meet to day, been a matter of an ordinary nature or of minor importance, I should have desired, as I should have considered it my duty, to preside at it; but when I take into consideration the intensity of interest that is felt upon the question we are met to consider, and the peculiar position in which it is placed as respects the authorities at home, I think that I shall best fulfil my duty by proposing that the chair should be taken by one far more capable of filling it

with effect. Gentlemen, I shall therefore propose the name of one who has often fulfilled the same duty upon this most important subject, I propose to you that the Chief Justice be requested to take the chair.

Sir E. Ryan.—Gentlemen, my excellent friend the High Sheriff, having selected me to fill the chair at this meeting and you having been pleased to express your approval of his nomination, I with pleasure assume a duty connected with a subject upon which, it is true, that I have always and do take the deepest interest. Upon the general merits of the subject it will not be necessary for me to enlarge at the present moment, my sentiments have often been expressed, and before I make any further observations on the subject, it will be better to allow the proposed resolutions to be submitted to the consideration of the meeting.

The Lord Bishop then rose and said, I should have been much better pleased if the duty of proposing the first resolution, had been entrusted to other hands, had the occasion upon which we have met together, been one of ordinary import or of common character. The retired and sacred nature of my profession would render it improper and unbecoming in me to take a prominent part on occasions of meetings for ordinary purposes or with a view to objects of doubtful utility; but on a subject whereupon an intensity of feeling pervades the public mind, and were the question under discussion may be considered as embracing all the interests of humanity, and in its consequences calculated materially to affect the whole well being of society; on a question which regarded in its influence upon all the benevolent relations of life, is boundless in its scope, on such an occasion I deem it not only not unbecoming, but entirely consistent with my more immediately sacred duties, to exert my voice in support of that which is calculated to prove so eminently conducive to the benefit of mankind.

In whatever light we regard the great question of Steam Communication with Great Britain, whether as public men, or as private individuals, as members of the community, or as fathers, husbands, or guardians,—in every relation of life shall we find the vast importance of this great improvement in the means of distant and rapid intercommunication, between the metropolitan country and her colonies. What father of a family, does not appreciate the immense value of the means of learning the progress of his distant progeny, their health and happiness within a comparatively unimportant interval of time? Who, looking at the subject as a public man, can regard with indifference the vast improvements which will be derived to commerce in general? What boundless advantages will this country enjoy in the rapid communication of the discoveries of the western world in the arts and the sciences! Of what inestimable value towards the civilization of the East must be the full and rapid communication of European knowledge, and the wisdom of the West! To every missionary of religion, to every traveller in search of knowledge, as well as to every servant civil or military of the Company, is this subject of deepest interest. It is a project which like the discovery of the mariner's compass or invention of printing, must produce consequences which it is beyond the view of human speculation to embrace. In such a case, and to promote such an object, I cannot but feel that I am justified now in coming forward as I did five years ago for the same purpose. Nothing, indeed, can be contemplated as so wonderfully calculated to promote the interests of humanity as the invention of locomotion by means of steam; and as regards India, the present moment appears to present a crisis, which not only justifies but demands the support of all, and of every character in promoting the scheme in its largest and most comprehensive extent, an object upon which such an intensity of feeling pervades all India. Our great business is, by manifesting our own anxiety and eagerness to kindle the sympathies of the British nation, which unless we are

strenuous will necessarily become lukewarm, and consequently the object we have in view will be not smothered but delayed. Our exertions, indeed, ought not to be limited by any consideration of the abstract merits of the question, or the benefits to be derived from its accomplishment. We are to consider not so much what we have to gain as what we have to overcome: the coolness and backwardness of friends, the hostility of those whose interests are in truth identified with our own, but who choose to oppose instead of supporting us. I speak of Bombay. All these circumstances demand that we exert ourselves in proportion. The selfish policy of Bombay as exhibited in the early stage of intercommunication, sufficiently evinces what would be the result of a scheme which should confine the channel of communication to that port. Of their unaccommodating spirit we have had example we may say before hand. Of the uncertainty of the present mode of conducting the communication, I need only instance the case of Principal Mill, who, taking his passage here on the best calculation, arrived at Bombay three days after the steamer had sailed. There can be no doubt, that whether we are lukewarm or whether we are energetic, this great object will make its way; but the question is, whether you will have it now or twenty years hence? The cause will advance, it cannot be stopped; but the question is, shall it advance with the firm, bold front of freemen or the creeping abjectness of slaves? The cause must advance, it is not to be resisted; but the question is, shall it advance with the current or against it? If you are lukewarm; if you are tame and torpid, your cause must advance against the stream. If you are resolute, firm, energetic, you will turn the current in your favor. The results that are to be anticipated from a free communication between this country and England, on the most comprehensive scale, are boundless, and for my own part I cannot perceive the immense difficulties that have impeded the regularity of communication between Suez and Bombay; and in making allusion to the conduct of Bombay in respect to the steam question, we should recollect, that we are not possessed of all the facts, and that we ought to believe that but for some operating causes to us unknown, there would exist the same unanimity at the other presidencies, and the same desire to promote the one great object, and the more we are enabled to give a favorable and chafitable construction upon the conduct of others, the more easily will the great question make its way. That it will make its way through whatever may obstruct it is certain; but the question is, whether India shall enjoy this blessing now or whether it is postponed to twenty years hence? With the aid of this discovery and holding the most important colonial possessions ever connected with a present state, such vast means of bestowing happiness upon mankind have been entrusted by Providence to the British nation, not merely for herself but in trust for the many millions who look to her, not only for protection but for improvement and civilization. England beholds India thirsting for knowledge, and looking to her fountains from whence to draw and be satisfied. India beginning to awaken from the sleep of ages, after sixty years' repose, under a benignant, mild and paternal government, turns her eyes towards England, and asks that the book of knowledge be spread open before her. England has been placed by Providence on the pinnacle of national greatness, and India has been entrusted to her care, in order that she may from the height of her own prosperity and glory, communicate to her colonies, the knowledge and the wisdom that has made her great. The question then is, whether England will hasten to send forth her sons to communicate these boundless advantages to these her vast possessions, and in order so to do whether she will adopt such means as may be said with scarcely a metaphor, to bring their vast possessions nearer home? Immeasurable will be the advantages which we may contemplate in ten thousand points of view, of such an

object when attained. In the time of sickness, the enfeebled patient may be rapidly transported from the dangerous atmosphere in which he is sinking, and carried into pure and renovating climes! Instead of parting with our children, when we send them to the land of their fathers, as though we were to be separated with but the distant and cheerless prospect of seeing them again only after the lapse of years—when perchance they have steeped from infancy, to an adult age—we may hope by means of steam, to send for them and have them with us in a space of forty days! So vast and various indeed are the advantages to be anticipated, that it is impossible even to imagine, far less to enumerate, the grand results which must be the consequences of the full attainment of the great object which we have met this day to promote! If ever there were a triumph for public spirit, it will be enjoyed in the accomplishment of this great object; and, it is only by the full and energetic display of public spirit, that it can be accomplished. By this means shall religion, by this means shall liberty in its widest and noblest sense, be diffused amongst the millions of the East. To aspire to such grand objects is a noble feeling and worthy of the greatest nation upon earth; it is worthy of the claims which religion has upon such a nation; it is worthy of the obedience which such a nation owes to the Almighty, from whom its greatness flows. Into this great measure should the British nation plunge at once, not headlong, but with an utter disregard to sordid and narrow calculation of expense. Now is the hour when it is in the power of the British nation to open the flood-gates of measureless blessings upon her Indian territories. Let her not hesitate, let her not delay, but achieve at once that great good, which will clothe her with true glory, and secure the future happiness of India.

*Sir Edward Ryan.*—Gentlemen, I am desired by his Lordship to read the following resolution.

1st.—“That as the petition of the inhabitants of Calcutta and its neighbourhood to the Honorable the House of Commons, and the memorials to the Right Hon'ble the Board of Commissioners for the affairs of India, and the Court of Directors of the East India Company, all dated the 5th March, 1835, praying for the immediate establishment of a regular, expeditious, and frequent communication between the principal Indian ports and Great Britain, by means of steam vessels, have failed in the attainment of the object as far as relates to Madras and Calcutta, an arrangement having been entered by the Court of Directors with Her Majesty's Government for the establishment of a communication limited to Bombay, and as the select Committee of the House of Commons which sat in June last, has recommended a continued and zealous attention to the subject on the part of Her Majesty's Government and the East India Company, it is expedient that a further petition and memorials be presented to the above named authorities from the inhabitants of Calcutta and its neighbourhood, praying for the immediate establishment of the extended communication.”

The resolution was seconded by Mr. Tucker, and passed by a shew of hands, no one dissenting.

*Sir Edward Ryan.*—Gentlemen, you have unanimously carried the resolution for presenting the petition of which a draft has been proposed and published, and which may probably have been seen and perused by many present; if however you are desirous that it should be now read, the Secretary to the Steam Committee, will read it to you.

Here a number of voices intimated by acclamation that the petition should be read, which was accordingly done.

*Mr. Pattle.*—I did not expect, when I came here to-day, that the duty of proposing the 2d resolution would have devolved upon me. I had understood that it had been undertaken by a party far more capable than myself of adequately fulfilling it. However, it is with no reluctance that I address you as the mover of the 2d resolution, and in doing so I may congratulate the

friends to Steam Communication upon the numbers here assembled to support its interests. It proves how general is the conviction that pervades our society, that the cause of steam will never be complete till the full and entire object prayed for by the petition has been attained. The petition itself is so ably drawn, and so fully and clearly expresses the strong grounds upon which we claim the attention of Parliament, that it leaves little to be said further in its support ; and, I am fully assured, that it must carry conviction, as well as satisfaction, to the breast of every impartial and unbiassed man. With your permission I beg to read the 2d resolution.

2nd.—“ That the petition now read be adopted and that the Committee of the New Bengal Steam Fund be requested to take charge of the same in order to its being duly signed, and that they be further requested, after full opportunity shall have been afforded to the inhabitants of Calcutta and its neighbourhood, to sign the same to forward it to the Right Hon'ble Lord William Cavendish Bentinck for presentation to the House of Commons, with the expression of the grateful thanks of this meeting for the indefatigable exertions made by his Lordship in furtherance of the prayer of the former petition, and to solicit the continuance of His Lordship's invaluable aid until the object is attained.”

Gentlemen, I will only add that to Lord W. Bentinck are due our very warmest thanks for his strenuous exertions, as well as to others who have manifested an equal zeal and equal talents, in promoting the great object of our wishes.

*Captain T. J. Taylor* seconded the resolution.

*Sir Edward Ryan*.—Gentlemen, I hold in my hands part of the evidence taken before the Committee of the House of Commons, which, as it has not been published in this country, you will not deem it irrelevant if I read to the meeting, as most strikingly exhibiting the opinion of Lord W. Bentinck, respecting the advantages to be derived to India, by the establishment of Steam Communication with India on the most comprehensive plan.

*Sir Edward Ryan* here read the following extract from the evidence he alluded to :—

The Right Hon. Lord William Bentinck, Chairman of the Committee, further Examined.

1954. Lord Sandon.] Do you consider that a speedy and regular communication by steam with all the ports in India will be productive of any moral or political advantage ? Very many, and very great. With respect to the moral advantage, I have already had the occasion, in India, of publishing my opinion ; and I will now repeat it. The subscribers to the Madras Steam Fund addressed me a letter, in 1834, in which they stated their belief that this project would confer vast and incalculable benefits upon our country and mankind. I answered as follows : “ I confess that my anticipation of the expected benefit goes far beyond the more obvious results, great as those undoubtedly would be, of improved government, of the welfare of the people, as effected by such improvement, of the promotion of commerce, and of what may be considered of minor importance, of the comfort of our own numerous countrymen, separated by such great distance of time and place from all connexion with their dearest interests. The limit assigned by the resolution is expressed by the large term of ‘ mankind,’ and in my judgment appropriately and correctly ; because the great want of this eastern world, India, China, &c., may be comprehended in the single word, ‘ knowledge.’ ” If the moral condition and happiness of the most enlightened countries suffer from this cause, it can be easily conceived, that on this great space, where the human mind has been buried for ages in universal darkness the task must be hopeless unless the same means which have alone accomplished the object elsewhere are brought into action, and these means

increased and enforced with all the encouragement that the Government authority can bestow. I look to steam navigation as the great engine of working this moral improvement. In proportion as the communication between the two countries shall be facilitated and shortened, so will civilized Europe be approximated, as it were, to these benighted regions ; and in no other way can improvement in any large stream be expected to flow in. Past experience shows what we have to expect for the future. I shall take the liberty of enlarging upon this topic. For much more than half a century the British dominion has been established at the three presidencies over a great extent of territory, with a large dependent population. Examining attentively the intellectual condition of these numerous communities it cannot be denied that little progress comparatively has been made in the acquisition of useful knowledge. There prevailed throughout, and in the darkest ages of European history, the same ignorance and superstition, the same belief in witchcraft, the confidence in charms and incantations, the same faith in astrology and omens, the practice of human immolation of all sexes and ages, and many other barbarous customs, opposed to true happiness, and repugnant to the best feelings that Providence has planted in the human breast. Again also, in the arts and sciences, in every branch of useful attainment, the ancient usages and learning retain their unimpaired sway. In medicine and surgery, in chemistry, in hydraulics, in mechanics, in civil engineering, in painting, sculpture and music, we observe them all, with the exception of a few individuals of superior talents and ambition, remaining stationary in their primitive rudeness and ignorance. And yet, during this long interval, thousands of well-educated Europeans, deeply versed in all these branches of knowledge, have been succeeding each other, and domiciliated for years to the country. Why, it will be asked, had all this science, this learning, and this ability to impart instruction, passed away without leaving any trace or impress on the mind of India, although in no other part of the world does there exist greater quickness of intellect, a more eager thirst after knowledge or superior aptitude to acquire it ? The answer to this question is plain and obvious. The cause is to be found in the past principle of our rule, of rigidly precluding the free admission of Europeans to India ; the direct consequence of which, whatever in other respects may have been its advantages, has been to dam up in a great degree the main channel of improvement into India. It may be assumed that 19-20th parts of the importation Europeans have consisted of the Company's servants ; they have had, of course, other duties to perform, occupying the whole of their time, and the fault lies not with them, if they have contributed little or nothing to this object. The government, indeed, may perhaps be accused of omission, and of not having done as much as they might ; but I doubt even with more exertion on their part whether, while the same system lasted, much progress could have been made. All the improvements of the description to which I have been alluding, are exclusively due to the skill and enterprise of individuals, aided by the capital of the houses of agency. Every indigo and coffee plantation, the Gloucester mills, the works of every description that are moved by steam, the iron founderies, the coal-mines worked after the European fashion, and the other great establishments that we see around us in Calcutta, are so many great schools of instruction, the founders of which are the real improvers of the country ; it is from the same sources that we must expect other school-masters of new and improved industry. The new charter will remove many obstacles, but steam communication far more. But with the opinion I entertain, that the extent of colonization, (as it is mistimed,) and the effects of it, have been very much overrated, I am convinced that the knowledge and instruction so much needed by India can never be sufficiently provided by European colonists and speculators only. The natives themselves must



be encouraged to go to Europe, there to study in the best schools of all the sciences. This opinion I know to be entertained by some of the intelligent members of a committee now sitting at Calcutta, to consider the best means of educating the natives in the higher branches of medicine and surgery. The Pasha of Egypt has given a noble example in this respect to the rulers of rude and unlearned nations. The circumstances that have hitherto operated as a complete barrier against the intercourse of the native with Europe, except the classes of sailors and of menial servants, have been, first, certain customs as to food prescribed by the Hindoo religion; and secondly, and mainly, the length, the expense and apprehension also of so long a voyage. In respect to the first of these obstacles, Ram Mohun Roy, who will be of illustrious memory among his posterity, has broken the ice; and I know that some, and I have no doubt that other, rich and well-educated natives are preparing to tread in his footsteps, with the same laudable desire of seeing what India may become, by what Europe, and especially England, is; and of raising their country by the same means from the moral and political degradation in which she is plunged. With respect to the second obstacle, which makes the attempt almost impossible to the great class of students, however willing to those who are to be the practical operatives and the introducers of the new arts and sciences, and will become the best teachers of their countrymen, steam navigation, with the aid of Government, and of those interested in India's welfare, will go far to remove it. I was happy to learn from the same members of the medical committee, that natives thoroughly acquainted with the English language would, if assisted, be ready to embark immediately in that pursuit, and necessarily in others of the same utility. I will, therefore, conclude this too long detail by saying, that it is knowledge that is needed; knowledge is the beginning of wisdom; knowledge alone can raise this country to a higher standard among the nations of the world; and with the sentiments I have expressed, of the best and most effectual mode of attaining these great purposes, the Steam Committee are amply borne out according to my firm conviction, in their resolution, "that this project opens vast and incalculable benefits to our own country and to mankind." The principal political advantages I will shortly state; First, great increase to our military power. The vast space we have to occupy and defend, and the consequent impossibility of quickly transporting troops from one point to another, has led to the necessity of having upon each portion of our territory a force sufficient for its protection, independent of all extraneous assistance. It is evident that, India forming a peninsula, and the monsoons offering no impediment to the access of steamers, large means of transport of this kind could always convey troops to the point menaced, and the whole army could thus be made available for the service of every portion of our dominions. The last overland mail brings an account of the arrival of the *Atlanta* at Bombay, and of her being dispatched three days afterwards with a whole native regiment to Mangalore, the seat of an insurrection. In Bengal, the river steamers will convey a reinforcement in three weeks, and safely, to Allahabad, situated at the junction of the Jumna and Ganges, and the central point of the upper and lower provinces of Bengal, which by the ordinary boats of the country could not have been done in less than as many months, and without much risk, the insurance to Allahabad being equal to that upon a whole voyage to England. When in India I recorded the opinion, which I repeat, that had the establishment of steamers now proposed been in existence during the Burmese war, many thousands of lives, prodigious individual suffering, and millions of money, would have been saved to the state. It is not too much to assert that under the peculiar local circumstances of India, with great space, no roads or canals, a very unhealthy climate, and with a sea-coast for its universal limit, one-fourth of the same

military force, in co-operation with an adequate steam establishment, would be more efficient than the whole without it. If, moreover, the Pasha of Egypt could be induced, as some well-informed witnesses seem to consider practicable, to allow the passage of our troops through his country, a regiment or more from Malta might reach Bombay in five weeks. All this is power exercised in its most imposing character. Hyder Ally is said to have declared, that it was not what he saw, but what he did not see, that he was afraid of. I beg leave to put in an extract from a letter (*vide Appendix*) from the superintendent of steam vessels on the Ganges, upon the great success of that establishment, and as affording a certain degree of expectation of a similar result to the sea-going steamers. Secondly, the civil functionaries, who now come to India so young as to have acquired little European useful knowledge, and necessarily from their position, too apt to contract arbitrary feelings and habits, would have easy means and should be encouraged to visit Europe, there to acquire liberal notions of the principles and practice of improved administration. Thirdly, the same salutary influence would operate upon our military officers. Subordination would be greatly promoted by the knowledge that the authority of the superior power at home could be quickly interposed; nor would the courts-martial have the same reluctance to do their duty, if all those considerations which distance so injuriously creates were removed. The comfort, the allegiance, the attachment of all to their native country, would be more firmly maintained. Fourthly, but perhaps the most important benefit of all, would be its tendency to place the security of our empire upon the only solid foundation, the general good will of those we govern. Our present position is this; we have conquered the whole of India; we have much above 100,000,000, of men under our direct and indirect rule; and it is universally allowed that our government has no hold upon the attachment of the people. I will introduce here, as more deserving the attention of the Committee than any opinion of my own, an extract from a minute of one of the most sagacious statesmen that India, or indeed any other country, has produced, the late Sir Thomas Munro, written in 1824, describing the effects of our government. "If we make a summary comparison of the advantages and disadvantages which have occurred to the natives from our government, the result, I fear, will hardly be so much in its favour as it ought to have been. They are more secure from the calamities both of foreign war and internal commotion; their persons and property are more secure from violence; they cannot be wantonly punished, or their property seized by persons in power; and their taxation is, on the whole, lighter;" (my experience cannot confirm this latter opinion); "but, on the other hand, they have no share in making laws for themselves, little in administering them, except in very subordinate offices;" (some amelioration has taken place in this latter respect, but not much); "they can rise to no high civil or military station; they are every where regarded as an inferior race, and oftener as vassals or servants than as the ancient owners and masters of the country." This minute is full of able, wise and enlightened principles, and the same sentiments, will be found to prevail in the recorded documents of two other most able and distinguished individuals, Sir John Malcolm, and the Hon. Mount Stuart Elphinstone. Sir Thomas Munro observes also, "It is not the arbitrary power of a national sovereign, but subjugation to a foreign one, that destroys national character and extinguishes national spirit." Successive foreign domination under Mahomedan emperors, for centuries, has been the sad lot of India; and it ought to have been a happy change in her fortunes and no doubt will be, that she has become subject to a civilized, enlightened and Christian nation; but so far she has gained little by the transfer, except general peace and tranquillity, and the consequent capability of receiving the benefits of improved institutions and government. In many respects the Mahomedan

surpassed our rule; the settled in their countries which they conquered; they intermixed and intermarried with the natives; they admitted them to all privileges, the interests and sympathies of the conquerors and conquered became identified. Our policy, on the contrary, has been the reverse of this; cold, selfish and unfeeling; the iron hand of power on the one side, monopoly and exclusion on the other. The bone of our system is not soely that the civil administration is entirely in the hands of foreigners; but that the holders of this monopoly, the patrons of these foreign agents, are those who exercise the directing power at home; that this directing power is exclusively paid by the patronage; that the value of this patronage depends exactly upon the degree in which all the honours and emoluments of the state are engrossed by their clients, to the exclusion of the natives. There exists, in consequence, on the part of the home authorities, an interest in respect to the administration precisely similar to what formerly prevailed as to commerce, directly opposed to the welfare of India; and consequently it will be remarked without surprise, that in the two renewals of the charter that have taken place within the last 25 years, in the first nothing was done to break down this administrative monopoly, and in the second, though a very important principle was declared, that no disability from holding office in respect to any subjects of the Crown, by reason of birth, religion, descent or colour, should any longer continue, still no provision was made for working it out; and, as far as is known, the enactment has remained till this day a dead letter. India, in order to become an attached dependency of Great Britain, must be governed for her own sake, not for the sake of the 800 or 1,000 individuals who are sent from England to make their fortunes. They are totally incompetent to the charge, and in their hands the administration, in all its civil branches, revenue, judicial and police, has been a failure. Our government, to be secured, must be made popular, and to become so, it must consult the welfare of the many, and not of the few: the government must remain arbitrary, but it may also be, and should be, paternal. But how can this be effected? England has no knowledge of and no care for India. India, again, has no representatives in England, and has hitherto had no access to her shores; her fate is entirely in the hands of the two authorities with whom her management is vested. The Court of Directors seek their office for the sake of the patronage only; for the most part they are strangers to India; have their own separate affairs to manage; are divested of responsibility; but, from their permanency, and the knowledge which they derive from their numerous clients, they possess a power and influence over all affairs, which a temporary President of the Board of Control, unaided by any board possessing local information, cannot possibly control. It is much to be regretted, when the last charter was renewed, that these two bodies had not been amalgamated into one department, with a Secretary of State at its head, with a competent board like that of the Admiralty, possessing local experience and information; chosen, perhaps jointly by the East India Company and the Crown, or Parliament, and paid out of the India revenues. It is through the means of a quick, safe and frequent communication between all India and England, that the natives of India in person will be enabled to bring their complaints and grievances before the authorities and the country; that large numbers of disinterested travellers will have it in their power to report to their countrymen at home the nature and circumstances of this distant portion of the empire. The result, I hope, will be to rouse the shameful apathy and indifference of Great Britain to the concerns of India; and by thus bringing the eye of the British public to bear upon India, it may be hoped that the desired amelioration may be accomplished. The following remark of Mr Mill, in his able history of India, is well suited to the present question: "If the East India

Company have been so little successful in ameliorating the practical operation of their government, it has been owing chiefly to the disadvantage of their situation, distant a voyage of several months from the scene of action, and to that imperfect knowledge which is common to them with all their countrymen."

The whole scope of Lord William Bentinck's evidence, goes to prove his entire conviction of the utility and the necessity of establishing the communication by steam on the most comprehensive plan. By means of this invention months are reduced to weeks, and there can be no doubt that had the facilities of steamers existed in India during the Burman war, one-fourth of the military force employed, would have produced more efficient results. A regiment might be brought from Malta to Bombay in three weeks. Hyder Ally, used to say that he feared the English, not from what he saw but from what he did not see."

Sir Edward Ryan.—I thought that whilst we tendered our thanks to Lord W. Bentinck it would not be proper in some measure to shew how far his Lordship merited them for his services in this cause. His Lordship follows out the argument to its full extent. Before I conclude allow me a few words more. We are not met here to consider whether communication by steam with India, shall be established or not; that question, thank heaven, is settled and decided in our favor; that battle is fought and won; all we have now to ask or desire is that our success be complete. The petition, therefore, has been prepared which states that the home authorities have not done enough in restricting the communication to Bombay, nor granted to us that which we have a right to claim. The petitions shew, that by the regulations of government the greatest weight allowed by dawk, is 4 ounces, and by dawk banghy 19 pounds; the time occupied by the dawk banghee is double that of the dawk, and thus all important as to the transmission of public document and public correspondence, having to be conveyed to us across the peninsula of India, steam is of little or no use. Now as we are the payers, we have a right to ask for the full, complete, and equal establishment of steam communication by letter. But what is still more desirable, and the absence of which is a still greater hardship upon us, is the means of personal communication by steam. Every body is aware of the difficulty that at certain periods exists of getting round to Bombay. Principal Mill, on every reasonable calculation, expected to arrive there in time for the *Atalanta*; he was three days too late, and these three days occasioned him the loss of many weeks as regards his arrival in England, as well as much additional expense. However, although individual cases may serve to illustrate the mischief, it is not the loss or disappointment sustained by individuals, but the inconvenience to the public that constitutes the grievance. It is the withholding that facility of intercourse which once established would bring thousands to India who now never dream of such a journey. Look at the difference in the traffic between Liverpool and Manchester, in the establishment of rail roads between those two towns. When steamers shall be regularly established between this country and India, multitudes will flock here, and return and tell those at home, what we are and what we are not, which at present they do not at all seem to know. The Lord Bishop has so ably developed the vast results which may be most confidently relied upon that it will be unnecessary for us to dwell further upon the subject; but I would call attention to one point. Whilst we are seeking for the full completion of our wishes, we ought to feel grateful for what has already been achieved. We have an admission of the justice of our cause. We shall have Ceylon, which is at present altogether excluded from participation in the advantages of steam, joining its voice with ours. We are sure that in Lord W. Bentinck we have one who will never lose sight of the one

great object; he knows the advantages to be derived from it by the people of India at large, his exertions will ever be ready to second your "agitations" as they have been termed, and the ultimate aid, I hope, near consummation of our wishes, will take place.

Mr. Spiers.—I was under some apprehension from certain remarks in the public papers, that an opinion had gone abroad that we had agitated this question too much; but the numbers I see assembled around me convince me that I was mistaken. If I feel any degree of hesitation in addressing you upon this subject, I feel an equal confidence, that your support and comment will bear me through. I am very certain that we have a good cause, in confirmation of which we have not only the acknowledgment of the home authorities themselves, but the strongly expressed and ably maintained opinion of Lord W. Bentinck. It is therefore very clear that it is not without good reason that we continue to meet and to petition. With respect to personal communication, who can regard the immense number of vessels crowding our port, and learning that the whole traffic by these ships has been entirely left out of consideration in the present steam arrangements, and say that we have not ground to petition or cause of complaint. They think at home that a passage to Bombay, is tantamount to a conveyance to any part of India, just as a corresponding friend will give you a letter on your departure from England for Bombay, and request you to be so good as to deliver it to their absent friend in Bengal, *whenever it is convenient to you to go out and see him.* We ask the Court of Directors for steam intercommunication. Very well, says the Court; we will give it, and they then take us and land us at a remote corner of this great peninsula, and then say, we have given you what you asked for, you have got steam communication with India. It is true we find ourselves in India when set down at Bombay, but if our object is Calcutta we have either to be jolted in a palanquin twelve or fifteen hundred miles or begin a new voyage almost as long as the one we have just made. But even as regards letters, in order to indicate what are the sentiments of mercantile men, as to the extent of the advantage hitherto enjoyed by us. I need only state the substance of a resolution yesterday passed at the Chamber of Commerce, that Government be specially addressed on the great inconveniences to the mercantile world of the present irregular and uncertain mode of despatching the steamer from Bombay. I am glad to find that the interests of the mercantile community have been so warmly advocated by Lord William Bentinck, who regards this great measure not as a means of gaining space, but of diffusing knowledge, and extending civilization. It is by the frequent and constant contact of British civilization with native ignorance, that improvement in the national character of this country is to be effected. I was informed by a friend of mine who had been 19 years at Singapore, that he witnessed a very decided improvement in such of the Malays who inhabited the neighbouring islands and had had frequent intercourse with our settlement there. I am hence led to consider that there cannot be a better school of civilization for the natives of the East, than a British settlement—than the establishment of a free and civilized community amongst a barbarous and degraded community. Not only, therefore, in justice to ourselves, but in justice to our native friends, we are bound to promote the great object of steam communication by every means in our power. The highest office and employments are now open to the natives of India, but how can their sons be rendered fit to fulfil them, without they get education, and what is it that prevents the natives of India from sending or taking their sons to the best source of education but the dreary prospect of having to traverse half the globe on board a ship, on a journey which will occupy a twelvemonth. Were steam communication established on its best system, natives of property might, and would carry their sons to England, place them at

school and return in the confidence that they were on at a year's distance but only that of a few weeks. All this and more, much more is to be anticipated among the great results of steam intercourse between England and India. We may therefore feel assured of the warm support of our native friends. I shall now therefore read the resolution.

3rd.—“That the memorials to the Board of Control and the Court of Directors, now read be adopted and after being engrossed that they be signed by the Hon'ble the chairman on behalf of the meeting and by him transmitted to the Hon'ble the President of the Council of India in Council, with a request His Honor will do the memorialists the favour to forward the same to England, with such support as His Honor in Council may consider the matter to deserve.”

The resolution was then read and seconded by

Mr. R. Scott Thomson, who said, I beg to second the proposition of Mr. Spiers, that the memorials to the Board of Control and the Court of Directors be received and adopted by this meeting. I do so with much pleasure because I consider it to be the bounden duty of all classes to come boldly forward on this occasion and with one accord support the prayer of these memorials.

That we must have steam communication between India and England on a permanent footing sooner or later, every one feels confident of; every thing around us carries conviction to our minds that it is fast approximating to that “consummation devoutly to be wished;” but whether we are to sit under the limited planes suggested between Bombay alone and England, via the Red Sea, or enjoy all the advantages which must accrue to this portion of India by the home authorities adopting the comprehensive scheme, must rest in a great measure with ourselves. It is the duty of every one to aid in accomplishing this desirable object; the effect of the limited communication is ably expressed in the petition as throwing a vexatious taxation on this side of India which the public ought not to bear, and the advantages of extending it to all other ports including Ceylon has been most forcibly and eloquently laid down to us by my Lord Bishop, this morning. If we persevere, by respectful petitions to Her Majesty's Government, and continue to agitate the importance of the question, there is no doubt that it will ultimately be crowned with success.

Mr. T. H. Maddock.—The resolution which I have to propose will require few remarks. The opinion of Lord William Bentinck on the subject under discussion, has already been laid before the meeting, and there can be no doubt, that the opinion of Lord Auckland is precisely the same, and that he views the subject in exactly the same liberal spirit. There can be no doubt that the reasons urged by Lord William Bentinck will have weight with Lord Auckland, and will conduce much to the conviction of our present Governor-General of the property of his recommending our petition in the strongest sense to the attention of the home authorities. Neither can there be any doubt that the voice of the present meeting, supported as it is by the presence of the most dignified public characters of the metropolis, will not fail to have great effect, especially when it appears that the sentiments expressed in our petition are participated in as well by natives as by Europeans. But we must not on that consideration neglect to avail ourselves of the aid of Lord Auckland's support, and on this ground beg to move the following resolution:

4th.—“That it is expedient in the present position of the question of steam communication with England, to address the Right Hon'ble the Governor-General with the expression of the confidence of this meeting, that his Lordship, from his own judgment of the advantages which must ensue to Great Britain and especially to India, from the establishment of a perfect and efficient

steam communication with the three principal presidencies and Ceylon, will be disposed to view favourably the object of this meeting, and praying that his Lordship will support the prayer of the memorials and petition in such manner as shall appear to His Lordship best calculated to procure the establishment of an efficient steam communication with the the three presidencies."

This resolution was seconded by

*Baboo Dwarkanauth Tagore*, who said, gentlemen, in seconding this resolution I cannot but remark that if the nobleman we propose to address for his aid and support be desirous, as there can be no doubt he is, of doing good to this country, he can not do better than adopt the sentiments of Lord W. Bentinck, which I hold in the greatest veneration, and which cannot but be recollected upon an occasion like this without respect and gratitude. I doubt not that Lord Auckland will view this great question in a similar light, and equally appreciate the great benefits which will flow from its adoption. The chairman has justly said that we have got something; true we have got something—we may get our letters sometimes a month or sometimes two months earlier than without steam, but as far as personal communication with Europe, we are little aided. If we would go to England, we must contemplate a voyage of six months, during which nothing shall meet our eyes but an expanse of waters. As maintained by Mr. Speirs, I concur that if the natives could get their children placed at English seminaries, within a reasonable distance of time in communicating with them, and within a moderate length of passage, they would have been sent to the seminaries of Great Britain. The native population, do wish for knowledge, but how are they to get it if they are shut out from access to its sources? They must be enabled to go to the spot where it emanates. Lord Auckland can do nothing wiser and better than to promote the success of the petition. When it is obtained and its consequences developed by education, we shall then be able to demand with a lofty front a full equalization of rights and privileges.

*Sir Edward Ryan* declaring the business of the day concluded, rose to quit the chair.

*The Lord Bishop*.—I would for one moment beg the attention of the meeting before it break up. I beg to propose the grateful thanks of this meeting to the Chief Justice, and when we consider how much the cause of steam communication with India is indebted to his exertions, I am confident that the meeting will join with me in the most cordial thanks to Sir E. Ryan.

*Sir E. Ryan*.—I am most grateful to you, gentlemen, for this testimony of your kind acknowledgment of my limited services to the cause in hand, but I must be allowed to say that your thanks in this instance are due in another quarter. It was to Mr. Greenlaw, whose indefatigable and most able services have been so ardently devoted to the cause, that the thanks of all, myself included and among the foremost, are pre-eminently due. I must repeat now that which I have so often publicly declared before, that it is to Mr. Greenlaw we are all chiefly indebted; and if I might be allowed I would propose as an amendment, that the thanks of this meeting be first and foremost given to Mr. Greenlaw by acclamation.

This proposal was received with loud cheers and acclamations.

*Mr. Greenlaw* expressed himself, as he appeared, embarrassed at the cordial manner in which his services were acknowledged. He had so frequently had occasion to express his grateful sense of the kindness shewn to him in connection with the object of the meeting, that he had no words remaining with which he could adequately express his feelings. He wished to be permitted to read two questions and answers from the evidence given by Capt. Brucks of the Indian Navy, before the Select

Committee of the House of Commons. Many gentlemen then present might remember when he originally proposed the comprehensive communication, how he had been met with reference to the S.W. monsoon part of the question, though his argument only applied to one single voyage during that monsoon. He hoped the evidence of Capt. Brucks, an old officer of the Indian Navy, which he would now read, would have the effect of satisfying every one that he had not been in error in his original opinion. Capt. Brucks was asked by Lord William Bentinck.

"1852. You think that, whether from Point de Galle to Socotra or from Bombay to Socotra, there are no difficulties even in the south-west monsoon, which would prevent the permanent establishment of steam navigation by either of those routes?—Certainly not. But I ought to mention, or it may be said I act inconsistently in India, as when I left India I was as great a bigot to the system laid down by Captain Wilson as any one knowing the seas could be depending for information on Captain Wilson's report of the *Hugh Lindsay*; but since I came to England I have, under the sanction of the Court of Directors, made a point of going round in steam vessels to see what they could do, and I feel, from the experience I have gained, there is so little to prevent the constant communication being carried on, I should be quite ready to stake my professional reputation on the subject.

1853. *Chairman*.] Having, in India, entertained a different opinion?—Yes having had no information but that derived from Captain Wilson's pamphlet, and no knowledge but of the *Hugh Lindsay*, a very inferior vessel to most here."

Such, Mr. Greenlaw observed, is the matured opinion of Capt. Brucks, and he would offer no observation on it but repeat his thanks to the meeting for their kindness.—*Herald*, January 7.

The following address to the Right Hon'ble Lord Auckland, voted at the late Steam Meeting, and his Lordship's reply, are published for general information.

TO THE RIGHT HON. GEORGE LORD AUCKLAND, G. C. B.  
Governor-General of India.

Address of the Inhabitants of Calcutta and its neighbourhood in Town Hall assembled.

MY LORD,—The inhabitants of Calcutta and its neighbourhood, duly assembled at the Town Hall for the purpose of taking into consideration the present state of the question of steam communication with England, having prepared a petition to the Hon'ble the House of Commons, and memorials to the Right Hon'ble the Board of Control and the Hon'ble the Court of Directors of the East India Company, praying that steam communication from England may forthwith be extended to the three principal presidencies, venture to address your Lordship, confident that their prayer will receive from your Lordship all the attention and support which its importance merits.

They refrain from entering into any details of that importance, satisfied that your Lordship cannot for any period have presided over the Councils of this vast empire, without being fully sensible how much its moral, political, and commercial welfare must be promoted by an efficient steam intercourse between England and all parts of India.

They therefore content themselves with soliciting your Lordship to afford them the benefit of your support in

such manner as may to your Lordship seem best calculated to attain the object in view in its most efficient form.

On behalf of the meeting,

EDWARD RYAN, *Chairman.*

TO THE RIGHT HON'BLE SIR EDWARD RYAN, &C. &C. &C.

SIR,—I have to acknowledge the receipt of an address signed by you on the part of the inhabitants of Calcutta and its neighbourhood, soliciting my support to a petition, and to memorials, in favor of the immediate extension to the three presidencies of steam communication with England. In answer, I willingly promise you that cordial support which I am bound to give, as well by the feelings which would lead every Englishman in India to bring himself nearer to his country, as by the duty which is imposed upon me of endeavoring to promote whatever may tend to the general welfare; and I need not add any thing on my part in confirmation of the evidence given by Lord William Bentinck and others before the Committee of the House of Commons, to prove how deeply involved are the interests of our native as well as of our British fellow-subjects in the success of your representations. I am ready to acknowledge with gratitude the liberality with which increased means of communication have within the last year been supplied to us; the advantages of which, not without occasional disappointment, we have all experienced; but I strongly feel how insufficient for many of the great purposes to be contemplated in the

extension and acceleration of intercourse with our country, those means must yet be considered; and for their further improvement, I rejoice that the government and the community may rely upon the continued exertions of those who, with you, have long and strenuously applied themselves to the accomplishment of this most important public object. I cannot doubt that the manifestations of the general and intense interest with which this question is regarded in India will be received with all the attention which they so justly merit by the high authorities to which they are addressed.

On my part, no opportunity will be neglected of aiding by all means in my power, the renewed representations which will now be submitted. I am confident that the willing co-operation of the President in Council will be afforded to us; and I am looking with impatience for the hour of putting to the test of actual experiment the facility of overcoming those obstacles, to which, it may yet by some be apprehended, that a steam voyage from Calcutta to the Red Sea during the unfavorable season, will be exposed.

I am, your faithful servant,

AUCKLAND.

Camp Futtseygunge, Jan. 17, 1838.

(True Copies.)

C. B. GREENLAW,

Secy. New Beng. Steam Fund.

Hurkaru, Jan. 30.]

## TESTIMONIAL TO THE DUKE OF WELLINGTON.

A public meeting of the inhabitants of Madras was held at the College Hall this morning, pursuant to public notice, for the purpose of considering the best mode of carrying into effect a plan to record the Military Achievements of the Duke of Wellington.

### PRESENT.

The Rt. Hon. the Governor,	Dr. Lawder,
The Hon. Mr. Sullivan,	Mr. A. McLeane,
Sir R. Comyn,	Mr. Trevor,
Sir E. Gambier,	Major Derville,
Sir P. Maitland,	Mr. A. Arbuthnot,
Colonel Hitchens,	Mr. C. Arbuthnot,
Colonel Evans,	Mr. Wylie,
General Doveton,	Major Butterworth,
Colonel Napier,	Captain Philpot,
Mr. McDonell,	Captain Dalrymple,
Mr. Chamier,	Colonel Strachan,
Mr. E. Elliot,	Captain Freshfield,
Mr. W. Elliot,	Captain Forster,
Mr. Ouchterlony,	Major Haig,
Captain M'Donald,	Captain Justice,
Captain P. M'Donald,	Mr. Fullerton,
Dr. Wight,	Mr. Ackworth,
Mr. W. Ashton,	Mr. Bayley,
Mr. Annesley,	Strenevassah Pillay,
Maj. Bradford,	Brigadier Bell,
Mr. Bruce,	Captain Maitland,
Captain Snow,	Colonel Tulloch,
Colonel Walpole,	Captain Bower,
	Mr. Liddell.

The Right Honorable the Governor having taken the Chair, addressed the Meeting as follows:

The object of the meeting to lay before the public of Madras the proceedings of a committee in England which has been formed to receive and apply such sums as may

be subscribed to the erection of a national trophy to the military achievements of the Duke of Wellington.

To enlarge upon the services of "that great and distinguished General (to use the words of George the 4th) who has so often led the armies of the nation to victory and glory, and whose high military renown is blended with the history of Europe," would indeed be superfluous; but it has often been remarked that these splendid services, which have received the repeated and unanimous thanks of both Houses of Parliament, and which have been honoured by the sovereign with the highest rewards which it is in the power of the Crown to bestow, have been suffered by a singular neglect to remain unmarked by any national testimonial in the metropolis of the British empire. I am aware that a statue has been erected in the city to the Duke of Wellington, but this was intended as a mark of the gratitude of the citizens of London to his Grace for the interest which he had taken in the improvements in the City, especially those connected with the rebuilding of London Bridge.

The monument now proposed to be erected will have neither a civic nor a local character. It is intended as a national and a Military Trophy.

It has been objected in some of the London newspapers, that this is not the proper moment for a subscription of this nature which ought, it is argued, to have been entered into, either at the close of the war, or not until after the decease of the hero; and that our zeal to do honour to the great general, may be, by party misrepresentation, converted into a species of political homage. I need not for myself disclaim any such purpose; and if I at all notice the subject, it is only to remove any misapprehension which might possibly prevail respecting it.

The Committee in England, is composed of individuals connected with all parties ; the papers relating to their proceedings, were forwarded to me by Sir John Hobhouse, himself one of the Members of the Committee ; and among the names in the subscription list are to be found those of men of every shade of political opinion.

This too, at the time of a general election, when political feelings are sharpened by the actual contest of political principles.

Let no man here conceive, that he is compromising his political principles in subscribing to this work ; and let no man, on the other hand, persuade himself that in coming here to day he is promoting a party object, or attending a political meeting.

There is, indeed, a peculiar reason why the public of Madras should come forward upon this occasion. It was in this country that the Duke of Wellington commenced his brilliant career. The Madras army have their share of his glory, and I see here to day, some of those who participated in his early victories.

Moved by Lord Elphinstone, seconded by Sir P. Maitland, and carried unanimously.

*Resolved.*—That a subscription be entered into for the

purpose of forwarding the object of the following resolution of a meeting of the noblemen and gentlemen of the United Kingdom of Great Britain, held on Monday 19th of June 1837, (the Anniversary of the Battle of Waterloo falling on Sunday.)

*Resolved.*—That, as there is no great national memorial to record the splendid military achievements of the Duke of Wellington, it is proposed to erect, by general subscription, and in an appropriate situation, in the metropolis, such a testimonial as may be worthy of those services, and of a nation's gratitude.

Moved by Sir R. Comyn, seconded by the Hon. Mr. Sullivan, and carried unanimously.

*Resolved.*—That Messrs. Arbuthnot and Co. be appointed treasurers for the purpose of carrying into effect the foregoing resolution.

Moved by Sir E. Gambier, seconded by Mr. Chamber, and carried unanimously.

*Resolved.*—That the thanks of the meeting be given to Lord Elphinstone, for presiding on the occasion.

About two thousand rupees were subscribed on the spot.—*Madras Herald, Dec. 16.*

## MEETING OF THE SHAREHOLDERS OF THE BANK OF BOMBAY.

Our readers will observe in another column, the report of the Bank Committee, read before the subscribers at the meeting of Saturday last. We see little in that document at all satisfactory to the shareholders, and most particularly object to the farther grant made out of the funds, for the expense of an agency in England. A committee has now been formed in London ; that body has been put in full possession of the views of the subscribers as to the institution, and every necessary step has been taken to introduce the project to the notice of the home authorities, and of all parties whose influence can at all be instrumental to its success. The prejudices that at first existed against the scheme, and which tended so powerfully to throw a damp on its reception at the Court, have been counteracted or removed, and there is now nothing left for those to whose management its affairs have been committed, but to await quietly the result of the application made to the Government of India, for its opinion as to the proposed Bank of India, which is to be so decisive in regard to that of Bombay. Where then is the necessity for a farther advance out of the funds subscribed ? Mr. Ashburner's activity is admitted on all hands, and there can be no doubt that he has done much to promote the interests of his constituents ; but when nothing farther can be done till the decision of the Court upon the Governor General's reply to its communication is ascertained, what in the name of all that is absurd, can the committee mean, by increasing the expenses when all onward proceedings are at a perfect stand ? It is anticipated that every thing will be known in a very short time, and there is little doubt entertained that a charter will be eventually procured. These views are, we apprehend, a little over sanguine, as the Court is not always particularly speedy in its decisions. The delay may then be prolonged from month to month, and from year to year, without any nearer approach than at present to a conclusion, and the money of the shareholders is in the mean time frittered away without any purpose being gained.

We see no reason why an end should not at once be put to all hesitation as to farther proceedings, or why a Joint-Stock Bank should not as proposed at first be immediately started. All the details of management might thus be put in operation, the business fairly commenced, and instead of funds being unprofitably wasted, the concern would be in a fair way of paying its own expenses. On a charter being granted, the business thus put in active train, and the establishment completely organized, might, with a stroke of the pen, be transferred from the Joint-Stock Bank, to the chartered one. The delays of the Court of Directors ought to have no influence whatever on the proceedings of the committee who, on ascertaining that there are difficulties in the way of one scheme should lose no time in entering on the other. Orders have been sent to England, regarding the engagement of people conversant in banking affairs to manage the institution and immediate instructions should be forwarded to the committee to conclude arrangements with such individuals, and send them out, with all the necessary paraphernalia, by the earliest opportunity. This would be the only course to quiet the minds of the subscribers, who must by this time be heartily sick of the postponements which have taken place.—*Bombay Gazette Jan. 15.*

*At a General Meeting of the Shareholders of the Bank of Bombay, held on Saturday the 13th January 1838, at the Office Messrs. DIXON, CARTER, and Co.*

J. B. SIMSON, Esq. IN THE CHAIR

The following report of the proceedings of the committee was read by their chairman, D. Greenhill, Esq.

### REPORT

The Committee have, in common with the subscribers generally, to regret the unforeseen delay which has occurred in procuring a confirmation of the charter

by the Court of Directors ; but there is every probability, by the last advices from England, of an early decision being obtained.

Many serious difficulties, unlooked for when the application was sent home, have arisen to retard its completion. Some of these, time alone could obviate, and others have been diminished or removed by Mr. Ashburner, whose presence in England, the committee feel has been of such high importance to the interests of all concerned, as to have abundantly confirmed the propriety of his having been deputed there.

It would appear that previous to the application from this presidency, a reference had been made to the Government of India, for its opinion on the scheme proposed for the establishment of the "Bank of India;" and until the answer was received, it was intimated to your agent that no resolution could be come to on the subject of the "Bank of Bombay" Mr. Ashburner lost no time in pointing out in the most forcible manner, in personal conferences with several influential parties the hardship of this delay to the subscribers of this Bank ; but being assured that there was no likelihood of the court being disposed to alter the course they had adopted, he was recommended by the London committee not to press for an immediate decision, as any further attempts to hasten proceedings under the existing circumstances, were more likely to injure than assist the end in view. Mr. Ashburner was the more reconciled to this advice, there having been reason to expect the report of the Governor-General by an early opportunity ; and since the first communication from Mr. Ashburner, several papers on the subject have been received by the Court ; and the report itself of the Supreme Government was looked for in London by the next packet.

The committee have no official information of the sentiments of the authorities in India who were consulted ; but that the opinion of the Governor General is in favor of banking in this country is sufficiently well known to lead the committee to anticipate the support of the Supreme Government to an Institution based on the principles of the Bombay Bank ; and from all the information your committee have been able to obtain, in regard to the scheme for the "Bank of India," they see no chance of its ever being perfected, or that its consideration will eventually interfere with the Establishment here.

Your committee have addressed the Government of this presidency, soliciting it to ascertain from the Governor-General the date of the transmission of His Excellency's report to the Court of Directors ; but no reply has yet been received.

The delay arising from this unforeseen cause has been most usefully employed by Mr. Ashburner ; whose correspondence, which has been open to the perusal of all the subscribers, evinces how indefatigable he has been in obtaining interviews with the public authorities, and private individuals of weight, who take an interest in the welfare of this presidency, for the purpose of explaining all the circumstances under which the charter was applied for and granted by the local Government.

In advertg to the active opposition, naturally created by an apprehension of the injury to private establishments, which the institution of a Bank would doubtless give rise to the committee are of opinion that the opportune arrival of Mr. Ashburner in London was most valuable to the subscribers in removing the prejudices industriously circulated against it, and which

only personal conferences with the parties could have enabled him so successfully to effect.

The committee have at the same time much satisfaction in stating that their applications to the influential individuals addressed by their Chairman, and supported personally by Mr. Ashburner, have met with the anticipated success.

In regard to the delay that had taken place, whilst, the committee regretted the necessity of Mr. Ashburner's detention ; they were, notwithstanding, decidedly of opinion that the presence of a zealous Agent was essential to overcome the tediousness of the forms of office and to neutralize the opposition that would certainly be persevered in ; and persuaded as they were that no one possessing the interest and qualifications, in any degree equal to Mr. Ashburner, could be found to supply his place with more economy ; they approved, on the expiration of the period for which an allowance for his expenses was made, on the part of the subscribers, of his remaining until he could be furnished with further instructions ; being satisfied that the interests of the subscribers in general will be greatly benefited by his continuing in England for the short time, within which it is probable that the question will be finally decided, the committee trust the meeting will authorize them to sanction his stay for that purpose.

The committee have the pleasure of stating that Mr. Ashburner has likewise been assiduous in obtaining every kind of information respecting the detailed management of Banks both in England and Scotland, and is still engaged in making such enquiries as are likely to add to the efficiency of the Establishment ; his detention, however, so much beyond the time originally contemplated, seems to entitle him to the consideration of the subscribers for some further compensation ; and the sum which the committee would now submit, in a separate resolution, for the sanction of the meeting is no more than seems to be consistent with the grounds on which the previous grant was made.

Since the last meeting your committee have transmitted to the Agent, a Memorial addressed to the Board of Control, on the subject of the Charter, to be presented in the event of the London committee deeming it advisable. A copy of that memorial is laid on the table with the rest of the correspondence.

To the London committee, Mr. Brownrigg, of the firm of Sir Charles Cockerell, Bart., and Co. has been added ; whose acquaintance with the subject, and influence with parties whose support was desirable, has been highly useful, and the committee have requested Mr. Finlay, who has just gone home, to join the committee there.

Several vacancies having occurred in the Bombay committee since the General Meeting, the committee have the pleasure of announcing that Messrs. Skinner, Bruce, Waddington and Gordon have accepted their invitation to join them. They have also to announce that Messrs. Dadabhoy and Muncherjee Pestonjee having requested to be relieved from the office of treasurers to the institution in the month of March last, it was undertaken at the request of the committee by Messrs. Dixon, Carter and Co.

The account current with the treasurers is laid on the table, shewing the balance in their hands to be rupees 4,054, 3, 07,

A statement is also submitted to the meeting received from Mr. Skinner, (the trustee) of the Government paper now in his possession, amounting to rupees 81,800 (the interest on which he invests in the 4 per cent. loan) and a cash balance of rupees 77. 83 reas and there is now a total balance in favour of the subscribers of rupees 85,931. 3. 9. exclusive of the sum in the hands of Messrs. Coutts and Co.

Rupees 47,076 3. 68 or £ 5,000 sterling were remitted, as stated in the committee's last report, and in terms of resolution 8th of the 11th January last, remains in the hands of Messrs. Coutts and Co., of London.

Rupees 7,000 were appropriated, also under the authority of the meeting of the 11th January, to meet Mr. Ashburner's expenses, and rupees 3,145 3 10 have been further disbursed by the committee here since its appointment.

The meeting will perceive by these statements, that besides the salary of the Secretary to the committee, which was fixed on the very lowest scale, viz. 150 rupees per mensem, the allowance to the agent in London, and the charges of the solicitors here; the expenditure of the committee has been limited to rupees 485,140 principally for Bank notes, advertisements, and postage.

The committee, in now submitting their proceedings, since the last General Meeting, for the inspection of the subscribers, have only further to state that they trust they will meet their approval.

(Signed) D. GREENHILL, Chairman.

Bombay, 13th January, 1838.

Proposed by Dr. Henderson, seconded by Mr. R. Smith, and carried unanimously.

That the report now read to the meeting be approved, adopted, and published for general information.

Proposed by the chairman of the committee, seconded by Juggunnath Sunkerset, Esq.

That in consequence of the unavoidable detention in England of Mr. Ashburner, this meeting authorize and empower the committee to pay him an additional sum, to the amount voted to him at the meeting of the 11th January, for his travelling and other expenses, for the remaining period he may be obliged to remain at home; to be calculated in the proportion of the former grant.

Proposed by Dr. Scott, seconded by Dr. Henderson.

That the thanks of this Meeting be given to the Chairman and committee for their attention to the interests of the shareholders.

Proposed by Colonel Wood, seconded by Mr. Brownrigg.

That the thanks of the Meeting be given to Mr. Simson for his conduct in the chair.

(Signed) J. B. SIMSON, chairman.

We have had several communications on the subject of the late bank meeting, but as we consider it unnecessary to give a place in our columns to many when one will equally well answer the purpose, we have selected the letter which appears to us to contain the greatest modicum of what can be reasonably said against the proceedings in question.

With the writer of that letter, we entirely concur, and recommend what he has said to the grave consideration of all concerned. We are totally averse to the practice which has hitherto prevailed of calling the public meeting of this institution in a private office, where it was impossible that any thing like a decent sprinkling of the shareholders could be brought together. In fact we are of opinion that summoned in this way, the meetings can hardly be called any thing but private, and are considered rather in that light than in the other by the great body of the subscribers, particularly among the native community. Why not convene the Bank meetings in the Town hall, an apartment large enough for every purpose and which no one would demur in entering, as he would into a private office. For committees, the latter is all right and proper, but for general meeting of bodies so large as that of stockholders in the bank, every one will allow that the Town Hall is in all respects much better adapted.

The plan proposed by our correspondent, of announcing the measures to be brought forward at the General Meeting, is an excellent one, and if adopted, would give every one an opportunity of stating his opinion. As it is, many, for the reason above stated, do not attend, and those who do, are quite taken by surprise as to the motions which they find made, seconded, and for the most part agreed to by the subscribers—who are present. This ought not to be, and a public notification of the business to be proceeded with, would have the effect of putting every one on his guard. We could wish that the late proceedings, in justice to all the subscribers, had been tested in this manner, in which case we should have looked forward to a very different result.

With regard to the allowance given to Mr. Ashburner, we think it quite an extravagant one, considering the present circumstances of the bank. His first allowance was understood to include the amount of passage money to and from Great Britain. Even this deduction would leave a handsome surplus for his services in favour of the Bank, and if the new advance is to be made in proportion to the original, instead of the reduced amount, then will the Bank Agent have but little reason to regret the continuance or delay in a settlement of the question, which is so anxiously looked forward to. We admit that a great deal has been done, nay we are ready to admit that all has been done that is necessary, till an answer is received from the court. Where then is the gain to be reaped from further expenditure? All has been done, what work is there then yet to do, before the receipt of this portentous answer? We shall be told, perhaps, that though not positively engaged in advancing what is placed under his care, an agent may yet be pretty well employed in looking after contingent advantages and in collecting information that may possibly be useful. To this we reply, that so long as an agent is kept in pay, equally long will there be a nominal duty for him to perform; but we think the simplest, most satisfactory, and most economical plan, would be to recommend Mr. Ashburner to return, and leave the future management of the Bank affairs to the London committee, several active members of which are directly interested, in its success. The accountants whom that body has been requested to engage, if well selected will be able to communicate all the information requisite on provincial banking, and thereby supersede the necessity for an agent to make himself acquainted with the details. If these accountants have not been already engaged, they ought to be so immediately, and dispatched to Bombay to open an institution of some description or other. With active assistance, a moderate capital, and a fair field to act upon, there ought to be no further enquiries for an agent to make in either England or Scotland, which could not be much more satisfactorily and profitably answered here.—  
Bombay Gazette, Jan. 17.



## UNIVERSAL LIFE ASSURANCE SOCIETY.

There was a numerous attendance of the share holders of the Universal Assurance Society at the office of the secretaries, on Saturday at eleven o'clock. The annual accounts were laid on the table. We give a brief abstract of the proceedings.

It appeared that the amount of the risks outstanding in India to 30th November last and in England to 30th June 1837, was Co. Rs. 85,28,435 on 744 lives in 827 policies, thus giving an average of Rs. 10,312 on each. The lapses from the commencement of the society in 1834, to the present period, London and Calcutta inclusive, are in number twenty; the aggregate amount of claims thereon Co. Rs. 1,92,333.

The assets are as follows:—Of the Indian Branch invested in Co. Paper and on deposits of Bank shares and Co. Rs. 5,71,66. Of the Parent Society, in other similar securities £41,398, or Co. Rs. 4,13,984. Total Assets Co. Rs. 9,85,645.

The report of the directors of the Parent Society was read by the Secretary, after which on the motion of Hon'ble Mr. Shakespeare, seconded by Mr. G. Hill, it was resolved—That the report read, together with the

accounts and statements laid before the meeting, appear satisfactory, and are passed accordingly. It was then proposed by Mr. A. F. Smith, seconded by Mr. A. Beattie

“That it appears of great importance that tables be obtained as early as possible regulating the rate at which policies may be purchased by the Society from parties willing to dispose of them, and that the Directors be requested to bring this matter again to the notice of the Parent Society.”

It was afterwards proposed by Mr. T. H. Gardner, seconded by Captain Thomson, that the Directors be requested to urge the society in England to send out annuity tables to enable the Society to undertake the profitable branch of annuity business in this country. Mr. Pattie and Mr. Beattie, who went out of the direction, were unanimously requested to continue their services, and they were re-elected accordingly. Upon the motion of Mr. E. S. Ellis, thanks were voted to the chairman, Mr. Pattie, and the meeting separated.—*Oriental Observer*, Jan. 6.

## PUBLIC LIBRARY.

At a monthly meeting of the Proprietors of and Subscribers to the Calcutta Public Library, held on the 6th January 1838.

DR. STRONG IN THE CHAIR.

Present—Dr. Jackson, W. P. Grant, Esq., T. H. Gardiner, Esq., and J. H. Peterson, Esq.

Dr. Strong informed the meeting that as it was probable, that the members of the Medical and Physical Society might have occasion to remove their books from the Asiatic Society, he was desirous to offer the society the use of a part of the Library rooms or a separate room, and asked whether there would be any objection on the part of the Proprietors of the Calcutta Public Library; when it was resolved in compliance with Dr. Strong's wishes, that it would be a mutual accommodation to have the books of the Medical and Physical Society placed in a part of the Library rooms, distinct from their own collection and in charge of a *dufftoory*, which would be the only expense to the society, as the librarians of the Calcutta Public Library offer their services gratuitously to the Society.

After this the Curators reported that three hundred and forty-six volumes were purchased during the last month, two hundred and seventy-four volumes of which forming

the selection made from the library of the late Sir B. Malkin.

And the following donations of books during December:

Books presented, Donors.

4th No. of the Journal of Medical and Physical Society. } Drs. Goodeve and O'Shaughnessy,

Richardson's Literary Leaves } Author.  
8vo. }  
Sporting Magazine for Dec., E. } J.H.Stoqueler, Esq.  
I. U. S. Journal do. } J.H.Stoqueler, Esq.

And the following circulation of books, &c. during December:

	Sets.	Vols.
General Literature.....	167	388
Novels .....	172	427
Periodicals.....	—	122
	339	937

And the following new subscribers.

George Plowden, Esq. C. K. Robinson, Esq.  
N. Alexander, Esq. J. Chalcraft, Esq.  
H. M. Shand, Esq.

Captain Beatty, H. M. Pigou, Esq., Captain Peirce, E. B. Gleeson, Esq., and J. S. Stopford, Esq., have intimated the cessation of their subscriptions in consequence of their leaving Calcutta, Messrs. Urquhart and C. Cruce have also withdrawn.

*Tables of Funds, on the 1st January, 1838.*

**UNION BANK.**

Balance of last month,.....	756	10	8
Interest on Co.'s Papers,....	42	0	0
Collections sent,.....	188	10	8
	<hr/>		
	987	5	5

**SAVINGS' BANK.**

Balance of last month,.....	224	8	6
Collections sent,.....	254	0	0
	<hr/>		
	478	8	0
	<hr/>		
	1,465	13	10
Fixed account, .....	2,000	0	0
Vested Fund in Company's Paper,.....	2,100	0	0
	<hr/>		
	5,565	13	10

*In the course of collection.*

Subscription,.....	301
Instalments, &c.....	1,154
	<hr/>
	1,454

Total,.....Co.'s Rs. 7,019 13 10

8th Jun. 1839.

[Englishman, January 9.

## MEETING AT THE UNION BANK.

A meeting of proprietors was held this-day, pursuant to advertizement, **LONGUEVILLE CLARKE, Esq.**, in the chair.

The subjoined report was read by the Secretary, when it was

Proposed by Captain Alexander St. Leger McMahon, and second by Mr. J. W. McLeod, and carried unanimously.

I.—That the secretary's report just read, is approved, and that it be published.

Proposed by Mr. Richard Walker, seconded by Mr. Theodore Dickens, and carried unanimously.

II.—That the accounts now submitted are approved and passed by this meeting, and that the books be closed accordingly.

Proposed by Mr. J. W. Cragg, and seconded by Mr. A. F. Smith.

III.—That a half yearly dividend at the rate of 12 per cent. per annum, or Co.'s Rs. sixty (Co.'s Rs. 60) per share, be now declared.

Proposed by Mr. Theodore Dickens, and seconded by Mr. Wm. Bruce, and carried unanimously.

IV.—That this meeting, made special for the purpose, approves and confirms the resolutions passed at the special general meeting of proprietors on the 15th December, 1837, for increasing the capital stock of the Bank, in the manner then and there laid down, with the following alteration in the 3d resolution, viz., of adding the words "or any other" after the word "above-mentioned," and also that the day on which shares shall be sold pursuant to the 5th resolution shall be the 16th February, 1838, and not the 1st February, 1838, as originally expressed.

Proposed by Mr. T. Dickens, and seconded by Mr. H. M. Elliott.

V.—That at the ensuing sale on the 16th February next, purchasers, after payment of the premium in cash, may give their promissory notes payable on or before the 30th June next, with 10 per cent. interest.

Proposed by Mr. James Mackenzie, and seconded by Mr. J. W. MacLeod.

VI.—That the present meeting be adjourned to Friday the 16th February next, at noon, for the purpose of declaring and selling the shares not taken up.

### SECRETARY'S REPORT.

The report for the half year expired on the 31st ultimo, will be brief and I trust satisfactory.

The profits actually realized by the Bank during the past six months have been.....Co.'s Rs. 1,80,006 11 10

To which add the small undivided surplus of last half year....Co.'s Rs. 7,007 13 10

We have a total divisible sum of.....Co.'s Rs. 1,87,014 9 8

The capital stock of the Bank paid up, amounts to.....Co.'s Rs. 31,15,000 0 0

On the 30th June last it was only.....Co.'s Rs. 21,60,000 0 0

Increase of capital stock since that period.....Co.'s Rs. 9,55,000 0 0

The above divisible profits of the present half year, have therefore to be spread over a considerably larger capital. But they amount notwithstanding to a rate exceeding 12 per cent. per annum, by a small fraction.

It may be well to remind you also with reference to the profits realized on the past half year, that during a considerable period the state of things at Home and in China operating on the market here, naturally caused a larger diminution of our deposits, and thereby contracted in proportion the funds of the Bank disposable for the lucrative work of discounting. But for this, the profits of the period, would probably have been greater.

If you divide the whole—say 12 per cent., which may be thought expedient to facilitate the proposed further increase of 8 lakhs of stock, the dividend on each share will be Company's rupees sixty.

The notes in circulation have been lower than usual this half year, which is believed to be owing mainly to the long delay in the arrival and consequent issue of the new Company rupee notes. Our sicca notes were of course troublesome to customers, and therefore exchanged more largely than before for the Company rupee paper of the Government Bank, which assimilated with new specie currency of the country. Thus, last half year our extremes of circulation were Company's rupees 5,01,218 and Company's rupees 2,18,161 while in that preceding, they reached Company's rupees 7,43,000 and Company's rupees 3,38,000.

I am not aware that any thing of importance remains to be added to this report.

The last augmentation of stock has all been taken up with the exception of the following.

Seventy shares of absentees in Europe not yet declared.  
Seven shares of proprietors in India.

These last will fall to be sold at an early day, (which will be duly announced) along with any shares of the fresh stock proposed to be finally voted this day, which the proprietors on the spot having the option to take up, shall not think fit to accept, on the 1st of February next.

J. YOUNG, Sec. Union Bank.

*The Trustees of the Union Bank in Account Current with the Proprietors of the Bank.*

<b>Dr.</b>	
Dec. 31, 1837.	
To Establishment and House rent, from 1st July to this date.	
To Charges General	
Being for Law Charges, Stamps, Stationary, &c.,	
To Printed Bank Notes.	
For amount written off against them.	
To balance due to the Proprietors.	
In Silver, .	1,55,418 15 4½
Bank of Bengal Notes,	6,37,141 5 4
In Dead Stock,	
In Printed Bank Notes, Realizable.	7,92,560 4 8½
Government bills discounted, . . . . .	4,000 0 0
Private bills discounted, . . . . .	8,900 0 0
Loans on deposit, . . . . .	
Cash credits, . . . . .	13,57,300 10 7
Govt. 5 per cent. paper, . . . . .	12,81,534 10 9
Ditto, ditto, . . . . .	26,72,014 4 8
Treasury notes, . . . . .	91,507 10 8
At Bank of Bengal, . . . . .	1,65,733 5 4
Suspence account being interest on Loans Govt. Papers, &c. less interest due to depositors, . . . . .	55,940 2 9
Dependence prior to 1836, . . . . .	15 0
	94,376 8 11
	1,67,375 12 4
	59,95,149 4 0

<b>Debts.</b>	
Due on floating accounts	17,97,430 13 1
Due on fixed accounts, . . . . .	67,92,709 8 8½
Due on cash credit accounts . . . . .	10,61,364 0 5½
Due for Union Bank Note circulation, . . . . .	26,639 12 8
Due on Eleven Dividend accounts, . . . . .	5,61,218 3 2
	16,309 5 4
	34,02,852 2 8½
	33,96,857 6 0
	Co.'s Rs. 34,37,691 16 4
<b>Shewing on ad subscriber capital of, . . . . .</b>	
A profit (after deducting dividend paid) of, . . . . .	30,42,567 0 0
	2,54,390 6 0
	33,96,857 6 0
<b>Cr.</b>	
July 1, 1837.	
By balance of account rendered to 30th June, being subscription on 600 shares at 2,700 Rs. each	16,30,000 0 0
Ditto on 100 shares at 900 Rs. each, . . . . .	5,40,000 0 0
	21,60,000 0 0
Additional payment on original shares at 300 Rs each, . . . . .	1,66,467 0 0
Ditto supplementary share at 100 Rs. each, . . . . .	55,400 0 0
Ditto for new shares at 1,000 Rs. each	6,60,700 0 0
	8,82,567 0 0
	30,42,567 0 0
Add amount of appt. profit to that date, . . . . .	3,36,302 15 10
Less Dividend paid to proprietors, . . . . .	1,51,200 0 0
	1,75,642 15 10
	32,18,160 15 10
<b>Dec. 31.</b>	
By discounts realized to this date, . . . . .	83,750 5 6
By interest realized to this date, . . . . .	45,900 7 1
Add due on outstanding Loans, . . . . .	30,394 10 7
Do. do. on cash credits, . . . . .	45,600 4 9
Do. do. on Govt. 5 per cent. Papers, . . . . .	4,638 13 4
Do. do. on Govt. 4 per cent. do., . . . . .	6,574 5 1
Do. do. on Treasury notes, . . . . .	1,000 11 5
	1,46,105 4 2
Less due on deposit Account, . . . . .	15,141 15 9
	1,30,963 4 6
	2,14,721 10 6
	Co.'s Rs. . . . . 34,38,801 10 4
Errors Excepted,	
Calcutta, December 31, 1837.	A. H. SIM, Accountant.
	[Burkara January 18.

## ROMAN CATHOLIC GENERAL MEETING.

PRINCIPAL ROMAN CATHOLIC CHURCH, 15TH JAN. 1838.

*The Most Reverend Dr. R. St. Leger in the Chair.*

The annual meeting of the Roman Catholics for the election of wardens, was convened by the usual notifications this day, and at 8 A. M. about twenty of the most respectable Catholic gentlemen were present. On the chair being taken, the most Reverend Dr. St. Leger, addressed the meeting, informing them, that the purpose for which they had assembled was familiar to them, and that he felt it his duty to express the satisfactory manner in which the outgoing wardens, Messrs. M. Crow and Thomas Gregory, had conducted their honorary duties; and, said the Reverend gentleman, they are entitled to the thanks of the community for the attention they

manifested during their career, and for many of the improvements which they had introduced. The Reverend gentlemen then thanked Messrs. Crow and Gregory, and the business of the day proceeded. On a suggestion from one of the gentleman present, Messrs James Rostan, Junior, and B. Furie were chosen Scrutineers, and Messrs. Crow and Gregory tellers; on the votes being collected the following result appeared.

Mr. Francis Rodrigues .....	16 votes.
„ Mathew Augier.....	12 ditto.
„ Samuel Jones.....	4 ditto.
„ John Michie.....	2 ditto.

Messrs. Rodrigues and Augier were elected Wardens, and after thanks were voted to the most Reverend Chairman, the gentlemen retired.—*Hurkaru, Jan. 16.*

## REPORT BY THE DIRECTORS OF THE BENGAL BONDED WAREHOUSE ASSOCIATION.

Report by the Directors of the Bengal-Bonded Warehouse Association, submitted to a General Meeting of the Proprietors held on 12th January, 1838.

Had the Association been definitively constituted, the period for the Meeting would have been in November; but the Directors have deferred calling you together, till the Draft of the Incorporation Act should be published, that you might at the same time have an opportunity of taking its provisions into final consideration.

The course of the Act to its present stage may be shortly stated.

The measure was quite new. We had no precedents here for our guidance. On being desired by the Right Hon'ble the Governor-General to prepare a draft, we made our legal advisers acquainted with all that had taken place on the subject, whether in correspondence with Government, or at the proceedings of meetings; and we from time to time gave such assistance, in suggesting and revising, as was required, and we were competent to afford.

After much labor a draft was at last handed up to the Government, too voluminous probably, as it attempted, by express regulation, to provide for whatever seemed to be of likely occurrence. We were then required to place our counsel in communication with the Advocate-General, for the settlement of the Draft.

It had become obvious, that the dimensions of the Draft must be greatly curtailed, to render it eligible to be passed into a law. This having been effected, after much pains and care had been bestowed upon the task, a Draft was in October returned to Government, in a very abridged form as compared with the original. It had been thought that, were the Society empowered by enactment to frame by-laws (subject of course to the confirmation of Government,) for its internal administration, all such rules instead of encumbering the Draft had better be left to be prepared, discussed, and submitted, after experience should indicate what was essentially wanted.

The Honorable the President in Council was lately pleased to forward to us a Draft, which the Legislative Department was inclined to prefer to the other; and he invited some of us to wait upon him and the Hon'ble Mr. Macaulay, to confer on the points in which the two Drafts differed, as they were desirous to settle these in a manner satisfactory to the Association.

A deputation accordingly waited upon those authorities to point out the few differences which were held to be of consequence, and found them prepared and anxious to meet the views of the Association in whatever was reasonable.

The Draft of the Act having now been published for general information, you have doubtless all, as was intended, formed your opinion of its merits.

We are bound in candor to admit, that it is a decided improvement on the Draft which was handed up; it is more concise and lucid; and is, we think, in no wise less comprehensive, or of inferior efficiency. We anticipate that it will obtain your full approbation.

The Accounts, and the Books of our proceedings, are placed before you. You will there perceive that the Receipts and Disbursements up to 31st ultimo are as follow:

### RECEIVED.

Subscriptions paid up.....	Co. Re.	1,99,900	0	0
Rent up to about the middle of Oct.,				
on Goods Bonded.....		2,535	10	9
Balance of interest and discount on				
Co.'s Paper.....		1,972	4	3
Price of certain Buildings on the im-				
port ground sold, to be cleared away,		4,268	11	9
Charges general.....		5	0	0
	Co.'s Re.	2,08,676	10	9

## DISBURSED.

Instalment of the price of Import Warehouse Premises applicable to the portion already taken possession of, the whole to be completed within two years, but the society having the power, at any intervening date on giving 3 months' notice, of taking up the remainder, or any part thereof paying for the same .....	76,500	0	0
Building of the Warehouse, including Rs- 57,495 remitted to England for Iron Work.....	63,730	12	2
Building of Offices.....	33,312	6	0
Establishment.....	4,809	15	7
Rent of Godowns temporarily hired for Bonding.....	2,149	0	0
Charges general.....	5,693	5	7
Company's Paper.....	21,286	10	8
Cash balance in Union Bank.....	1,194	11	0
<b>Co.'s Rs-</b>	<b>2,08,676</b>	<b>13</b>	<b>4</b>

In reference to the plain projected for the first range of warehouses, it was necessary to commission iron beams and pillars from England, towards the purchase of which, bills for £6,228, secured on consignments of produce, have already been remitted. At the time when the first indent was framed, it was supposed that the whole iron work would cost on board ship in England £14 per ton, or £14,000 on a computation of 1,000 tons; but as the price of iron has fallen since then, the cost should amount to less than that sum. The execution of the order was entrusted to Messrs. D. Ainslie, G. C. Arbuthnot and T. Speir, shareholders, whose gratuitous services are reckoned on as being cheerfully afforded. We are now daily looking for accounts from those gentlemen.

Some time unavoidably passed away, before the part of the premises which we required could be vacated, and possession obtained; and afterwards, breaking down the houses, and removing the rubbish, consumed a considerable interval; nor, finally, could the excavation for the foundation be completed before the end of October.

Apprehending that much time may yet elapse before the iron work can be received; and as it is not unlikely that some further iron apparatus will have to be provided, to ensure the stability of the pillars, and to support the floors; and as the exigencies of the Bonding Trade imperiously demand that no time be lost in preparing sufficient and suitable accommodation for its reception, we have thought it expedient to have a plain specification and estimate made out, for the construction of the first range, with brick pillars and saul beams, leaving the iron works, with such additions as, in the judgment of a scientific person, may be proper for its completion, to be used for a second range, which we feel persuaded the progress of the bonding system will ere long call upon you to erect.

This plan is now submitted for your consideration and decision.

The amount of the estimate, Rs. 3,20,000, is unquestionably high; but we conceive that it is susceptible of considerable retrenchment. The cost of the masonry is stated to be Rs-1,32,000; and the wood work amounts to Rs-1,88,000. You are already aware that much of the ground, being of comparatively recent formation, the base of the walls will require to be of unusual breadth; and it being of the greatest importance, for the preservation of the merchandize which may be stored there, that

the ground floor be rendered dry, it will have to be well raised, involving much expense; but in the estimate for the wood work, we perceive room for great reduction. Parties have tendered for the delivery here of teak planks from Moulmein, of the prescribed lengths, breadths, and thickness, required for the flooring, at the rate of 1-12; indeed one party tendered at 1-8 per cubic foot; and such plank, for the purposes to which they are destined, should need but little additional workmanship, assuredly not the costly labor implied in this estimate, which charges 1-8 per square foot of 3 inches planks. In the single item of teak planks for floors, extending to Rs-1,34,000, a saving of Rs-50,000 appears to quite practicable; and it is not unreasonable to assume that some considerable, though it may not be a proportional reduction, may be effected in the provision of saul wood, amounting in the estimate to Rs-30,417 for beams.

We will now direct your attention, in a summary way, to the actual position of the bonding operations.

Government, averse to grant private licenses, having prepared some of the godowns of the export warehouse, gave the Society the option of hiring them, intimating that, if declined, they were to be conducted, for storing goods, seeking the privilege of the bond, under the Board of Customs. Anxious to support the views of Government, and judging it expedient that no other should have the initiation of the system, we did not hesitate to hire the godowns, though, from their being detached, insulated as it were in another establishment, and from the indifferent character of their accommodation, we were not sanguine as to the result being productive. The experiment has now been in so far tested on an unfavourable field, and here is its issue. As was to have been expected at the commencement of a business quite new, it moved on but languidly for a time, and of precarious extent. Its progress, however, after a season accelerated; and as its advantages became known, the confidence in its steady growth was strengthened. The hired godowns are now quite full, the rent chargeable for the goods in store amounting to about Rs-1,300 a month; which exceeds by Rs-400 the cost of your establishment and the hire paid for the godowns, and it has become not only desirable but necessary, for the reception of the goods already in progress to be bonded, to resort to measures for obtaining the earliest possible occupation of the godowns which already exist on the south part of the import premises. This will involve the necessity for a further payment, on account of the purchase money, of about Rs-50,000. But the room thus got is of decidedly a superior description as compared with the hired godowns, and will store away times five the quantity of goods whereas the rent at present paid for those hired godowns is equivalent to seven per cent. on this instalment of the price. The hired godowns are to be vacated as soon as possible. As the offices are to be ready in the course of March, it is, independently of the saving, of obvious advantage, to have all the Society's operations concentrated on one spot, and under the immediate control of your directors.

Under the powers given to them and with reference to the expenditure above required, the directors now call for a third contribution of ten per cent. per share.

In conclusion, it is proper that we submit a few observations, as to the future prospects of the undertaking.

The capacity of the range to be now erected, after allowing ample space for the passage of the goods, may be estimated at 20,000 tons; but taking it at 15,000 tons throughout the year, the rent, by a calculation

we possess, and based on the average we find in the rates charged by a number of the mercantile firms here, would amount to about Rs. 2,70,000 in the year. Occupied to that extent of its capability, the revenue you will be sensible, would amply suffice to remunerate, the cost of even an expensive fabric, to support the requisite establishment, and to afford a considerable reduction of the current rates of godown hire. Such experience as we have had of the warehouse business, still in its mere infancy it must be admitted, does yet encourage us to expect that the warehouse will be well occupied; further we anticipate a necessity at no remote period, for the construction of another range; and we ground that anticipation, not only on the extending value of the bonding privilege, but on the advantages of goodness, cheapness, and security of accommodation;

on the benefit of concentration; and on the great convenience and facility afforded to trade by the operation of the warrant.

R. H. COCKERELL.

F. MACNAGHTEN.

A. COLVIN.

J. W. J. OUSELEY.

J. WILLIS.

Calcutta, January 9th, 1838.

[Hurkaru, Jan. 19.]

## TRANSIT DUTIES ON SALT.

We are glad to observe symptoms of a change for the better in the conduct of Government in regard to the transit duties on salt, although what is yet done falls miserably short of what the public have a right to expect, and what must be done. Our readers will remember, that some short time ago an order in Council was published, continuing the transit duties upon salt alone, without any intimation as to the duration of such continuance, whether until the new law should come into operation, or till such other period as it might seem good in the eyes of our rulers to decree. To do away with the effect of this order, it is evident that another must be issued to council it, *in toto*, and this we had expected from Government so soon as its eyes became open to the singular anomaly of bringing into force the new Act passed by the Supreme Government, while the article to which that act had reference was still by an express order emanating from the former, subjected to the old duties which the new law was expressly framed to abolish. Well, and now that the absurdity and injustice of such a course of procedure have become manifest to our Government, what is proposed to be done by way of remedy? Surely, our readers will say, the objectionable order is declared to be cancelled. Not exactly so; we are sorry to inform them, although we have little doubt such is intended by our law-makers. The notification of the 22d November last is undoubtedly referred to, and the transit duties as well as all other duties except the 8 annas per maund are repealed on all salt manufactured in the territories subject to the government of the presidency of Bombay. No, that would be too much: evil may be done in wholesale, but we correct by degrees. No, the relief can now only be afforded to that salt which may be imported into any port of the presidency of Bombay! Is it seriously meant that this notification is to be understood as a reversal of the other? If so our local law-makers would seem to have forgotten that there may be salt produced in other parts of the presidency and carried to the interior without being imported at all, and that the order now before us provides no remedy for salt so conveyed unless it has previously passed through the ordeal of importation. But let our readers judge for themselves; here is the notification which has suggested to us the above observations.

With reference to the notification of 22d November last, the Right Hon'ble the Governor in Council is pleased to declare, that all salt on which the duty of eight (8) annas per Indian maund, imposed by Act XXVII of 1837, has been paid, shall be exempt from the payment of transit duties, and also from that of sea

customs, and all other taxes or imposts whatever, on importation into any port of the Bombay Presidency.

*Published by order of the Right Hon'ble the Governor in Council.*

L. R. REID, Secy. to Govt.

We are not exactly aware of the practice in force among our authorities when orders in council or public notifications are framed with reference to the various departments of the service, but should think that in all such cases the officers in charge of the departments should either receive instructions to frame the documents, or be referred to and consulted as to the forms necessary to be observed. We should think that one or other of these courses is the most natural to be followed, as well as the best calculated to ensure the purposes of any enactment being fully answered. If then in the case under review a reference has been made to the Collector of Customs, who we presume is the officer under whose department the new arrangement in regard to salt will come into operation, as to what was necessary to be done, that officer surely can never have imagined that an order so imperfect in its nature, and so partial in its apparent tendency, could answer the purpose of cancelling the preceding one. He must have known that there are many ways in which the salt produced in the presidency may be transmitted for consumption to the interior without being imported, and that salt proceeding towards the interior direct from the place of production without any intermediate process, does not appear to be in any wise included within the provision of the present notification. He must have known, that as the new duty is imposed in lieu of all transit duties whatever, a total repeal of the latter is plainly and distinctly called for without reference to importation or any other circumstance. The duty levied once for all at the pans is intended to relieve the producer or purchaser from all farther exaction, and it appears absurd to speak of importation when the whole scope of the enactment is to leave the future operations of the dealers unfettered by any restriction as to the mode of its transport or the whereabouts of its destination. This we are sure will at one glance be perceived by the able and active officer who now manages the department of Customs, and we have too much confidence in his good sense, to believe that he will not immediately suggest to Government some mode of getting quit of the difficulty pointed out. The best remedy would, in our opinion, be a simple declaration of the obnoxious order we have so frequently referred to being cancelled. A few words would suffice, and the matter would at once be placed beyond all doubt. Suppose something like the following, which, from its not having been thought of before, we are inclined to believe

that the collector of customs has not been consulted at all on the subject, as he would undoubtedly have taken some such short and simple cut to the attainment of the object, which has not yet been reached, notwithstanding the turning and windings that have been taken to arrive at it. But our rulers, like other wise even, who have like them committed an occasional blunder in policy, seem to think that there is nothing more statesman-like than to mystify a measure so much as to hide its object from ordinary observers. But we are inclined to hold the opinion that the plainer a law is the better it is understood, both by those for whose guidance it is enacted, and by those upon whom it is to take effect. The less room left for cavil or dispute, for legal difference, for revisions or interpolations, the better. We should say something like what follows would at once and without going about the bush have effected all that was required :

"It is hereby notified, in reference to the notification of 22d November last, that the Right Hon'ble the Governor in Council, is pleased to cancel that notification, and to declare that from the 15th instant, when the new law, imposing a consolidated excise duty on salt, of 8 annas per India maund, leviable at the place of manufacture, came into operation, that article has become exempt from the payment of transit duties, sea customs, and all other taxes or imports whatever, which have heretofore been levied on it."

This we should think, or something like it, is necessary to get rid of the difficulties with which the question

is at present beset, and place the trade in salt on a clear and indisputable footing. As it at present stands, any officer of Government, however well-intentioned he may be, may cause a great deal of trouble and annoyance to multitudes engaged in the traffic, and put many parts of the country to serious inconvenience. He sees his instructions plainly laid down in the notification of the 22d ultimo, and he will observe no reversal of the decree herein promulgated. The partial one we have quoted will only serve to puzzle and perplex him, and he will consider it the safest course he can follow to walk by the letter of his instructions, waiting patiently till he hears of something to the contrary. Nothing ought, as we have said before, to be left to be inferred. All ought to be distinct and explanatory, in a document emanating from Government. We trust to see the evil yet unprovided against remedied in an early number of the Government Gazette.

By the way, the price of salt in the bazar affords ample confirmation of what we have repeatedly urged regarding the hardships inflicted on the poorer classes by the new law. We can hardly think that even the strictest stickler for the perfection of Government will deny that a grievance much more oppressive to the people than the old system ever was, has now to be submitted to. The dealers have been relieved from the delays and inconveniences they were formerly subjected to, but the consumers were ten times worse off than ever.—*Bombay Gazette, Dec. 25.*

## ARMENIAN PHILANTHROPIC ACADEMY.

(From a Correspondent.)

Yesterday the Annual Examination of the Pupil attached to the Armenian Philanthropic Academy took place. Among the Examiners, we noticed the Revd. Mr. Boswell, Revd. Ter David, Revd. Ter Antone, Messrs. Jacob Antone and Manuk.

Owing to various circumstances, the company was not so large as it usually has been, otherwise the interest felt by the pupils and their friends, would have suffered no diminution.

The senior boys were examined in the English, Greek, and Roman classics with Armenian; were questioned in English, Roman and Armenian History and Astronomy; they then solved propositions on the Elements of Euclid, and worked several problems on the terrestrial globe.

The second and third classes read English and Latin the Armenian, they answered numerous questions on, woman and Armenian History, and acquitted themselves very much to their own and the credit of their instructors.

The junior boys were examined in English and Armenian; and, considering that the former is to them

a foreign language, we should say, that their proficiency in that department was very considerable.

Several pieces were recited in Armenian and English with great effect. Indeed, so completely did some of the boys enter into the spirit and character of what they recited, that we could almost imagine them to be their own.

Specimens of plain and ornamental penmanship were exhibited, which displayed both taste and ability on the part of the writers, and proved, that there is no lack of talent in the graphic art.

To those boys who had made the greatest proficiency, prizes were distributed of sufficient value to encourage them to persevere with unabated diligence. We cannot close this notice without observing, that this institution, which is supported entirely by Armenians, reflects the greatest credit on its benevolent founders and excellent managers, inasmuch as it proves their regard for the interests of literature and science, as well as their deep solicitude for the general instruction of the Armenian youth. We sincerely congratulate the members of this community on the advantages they possess, and the certain prospect they have that the blessings of an enlightened and liberal education will be transmitted to their children's children, even to the latest posterity.—*Cal. Cour, Jan. 11.*

## UNCOVENANTED SERVANTS.

To Mr. C. U. SMITH.

*Chairman of a Committee of Uncovenanted Servants.*

Financial Dept.—Sir,—With reference to the memorial submitted by your committee and the orders of Government communicated to you on the 17th March, 1835, I am directed by the Honorable the Deputy Governor of Bengal to transmit to you for information, the accompanying copy of a despatch from the Honorable the Court of Directors in the Financial Department, dated the 20th August, 1837, No. 13.

I am, Sir, your obedient servant,

(Signed) H. T. PRINSEP,

*Secy. to the Government of Bengal.*

Fort William 13th Dec. 1837.

(Copy.)

*Financial Department.*

No. 13 of 1837.

OUR GOVERNOR OF THE PRESIDENCY OF FORT WILLIAM IN BENGAL.

General Letter from, dated 15th June, 1835.

(No. 3.)

Transmitting memorial of Uncov. Assistants praying the grant of occasional furlough and establishment of a Retiring Fund, with annuities in reversion to widows and children. The members; and realizations of the proposed benefits be entirely dependent upon the amount of subscriptions being adequate to the satisfaction of the accruing claims. The only part which we could take in connexion with such a fund would be to deduct at the desire of the subscribers, the sums for which they were liable from their salaries and allowances, to grant on the money thus withheld, interest not exceeding the ordinary market rate, and to disburse in India, when only duly called upon for the purposes of the fund, such sums as might be required, not exceeding the amount of the principal and interest. It might be distinctly understood, that we can undertake nothing beyond this, nor can we incur even this limited responsibility except in furtherance of a plan to be previously submitted to us, which, in our opinion, shall offer a full probability of success.

2. The circumstances of the services which enjoy the benefit of furlough, being widely different from those which apply to the memorialists, the possession of the privilege by the former, can afford no argument for its extension to the latter, and in the absence of all other reason we must decline to make any change in this respect

We are, &c.

(Signed) J. R. CARNAC, &c.

London, 30th August, 1837.

(A true copy.)

(Signed) H. T. PRINSEP,

*Secy to the Government of Bengal.*

To H. T. PRINSEP, Esq.

*Secretary to the Government of Bengal.*

Financial Dept.—Sir,—Mr. C. U. Smith, chairman of the late Committee of Uncovenanted Servants, having transmitted to us your letter to his address, dated the 13th instant, together with the copy of a dispatch from the Honorable Court of Directors, which accompanied it, relative to the memorial from that class of public servants,

praying the grant of furlough, and the establishment of a retiring fund with annuities, in reversion to their widows and children, we beg leave to represent for the information of the Hon'ble the Deputy Governor of Bengal, that subsequent to the date of the memorial alluded to above, the committee of Uncovenanted Servants submitted for the consideration of the Supreme Government a definite scheme of a Widows' Pension Fund,

when, encouraged by the sentiments expressed by the Hon'ble the Court of Directors in a public general letter, dated 30th July, 1828, an extract from which is noted in the margin, they solicited the annual grant of a donation towards its support and interest at 6 per cent. per annum for such monies of the fund as might be deposited in the general treasury; This definite scheme received the sanction of the Supreme Government as communicated in your letter, dated the 14th Sept. 1836, in which the Governor-General in Council was pleased to grant the ministerial aid of the Government officers in managing the funds of this scheme, as well as an account current at 6 per cent. per annum, but with regard to the annual donation His Lordship in Council declared his incompetency to afford any such aid, but stated his intention of referring the subject to the consideration of the home authorities. Under the encouragement thus afforded by the Supreme Government, the Uncovenanted Service Family Pension Fund, as it at present exists, supported by the patronage of the Right Hon'ble the Governor-General of India, was established and eventually commenced operations on the 1st of May, 1837; the success and future prospects of the fund were fully detailed in a letter to the address of its patron under date the 10th September last.

40. We regret

that it should have been found necessary to abandon the project of a pension fund for uncovenanted servants; we shall be ready to afford any reasonable encouragement to the proposed Savings' Bank, and we are still of opinion that if any considerable body of our uncovenanted servants should come forward with a plan for establishing a pension fund exclusively by step-pages from their own salaries, and in which plan the benefit to be held out should be made entirely contingent on the amount of subscriptions to be received, all proper facilities should be afforded to them for that purpose.

41. On the plan of a savings' bank which has been submitted by Mr. Mc Kenzie, and commented upon by Mr. Hunter, we shall offer no remarks, because your local knowledge renders you competent to regulate the details. We think, however, that the annual subscriptions should be limited to 500 rupees, and we cannot consent to allow a higher rate of interest on the deposits than six per cent.

The letter from the Hon'ble Court, under date the 30th August last, has reference to our address to Government under date the 25th February, 1835, and as the



special reference made during Lord Auckland's Government, which could not have been received at the time the Hon'ble Court's dispatch was written, put the Hon'ble Court in possession of the principal features of the Fund, as well as of the data on which it is based, we have reason to hope that its establishment will not only be confirmed by the Hon'ble Court, but that with their wonted liberality a suitable donation will be granted in addition to the ordinary market rate of the day (already conceded by them,) and which invariably averages a higher percentage than that which the fund at present enjoys, viz. 6 per cent. Under the circumstances above explained, we trust that it will please the Government to await the result of the special reference, previous to passing any final orders on the subject of the dispatch from the Hon'ble Court with which we have now been favoured.

We have the honour to be, Sir,

Your most obedient servants,

(Signed) R. LESLIE, &c.

Uncovenanted Service Pension Fund Office,

26th Dec. 1837.

No. 49.

THE DIRECTORS OF THE UNCOVENANTED SERVICE PENSION FUND.

Financial Dept.—Gentlemen,—I am directed to acknowledge the receipt of your letter, dated the 29th ultimo, and in reply to state that it is not the intension of the Deputy Governor of Bengal to interfere with the arrangements made on behalf of the Uncovenanted Servants' Pension Fund until a reply shall be received from the Hon'ble Court to the special reference made on the subject, in a letter of the General Department, dated 1st March last.

2d. As the despatch of the Hon'ble Court dated 30th August had distinct bearing on the subject, a copy was communicated for your information, in order to prevent the disappointment of any too sanguine hopes of support, that might be entertained; but no final orders on the subject will be issued till the receipt of the reply of the Court to the letter above referred to.

I am, gentlemen, your obedt. servt.

(Signed) H. T. PRINSEP.

Jecy to the Govt. of Bengal.

Fort William, 10th Jan. 1838.

[Hurkaru Jan. 27.]

## PROCEEDINGS OF THE ASIATIC SOCIETY, AT THE ANNIVERSARY MEETING.

Wednesday Evening, 3d January, 1838.

H. T. Prinsep, Vice President, in the chair.

J. H. Batten, Esq., Baboo Connyloll Tagore and Charles Elliot Barwell, Esq., proposed at the last meeting, were ballotted for and duly elected members of the society.

Major H. Sleeman, proposed by the Secretary, and seconded by Mr. McLeod.

J. W. Grant, Esq., proposed by Dr. McLelland, and seconded by the secretary.

G. A. Prinsep, Esq., proposed by Mr. Cracroft, and seconded by Capt. Forbes.

Dr. Boncal, of Manilla, proposed by the Secretary, as an ordinary member, and seconded by Captain Forbes.

Dr. Arnott, proposed by Mr. Hill, and seconded by the secretary.

Syed Keramat Ally, proposed by the secretary, as an associate member, and seconded by —.

The meeting then proceeded to the annual election of office bearers, when the following gentlemen were elected.

### Vice Presidents.

Lord Bishop.  
Sir J. P. Grant,

H. T. Prinsep, Esq.  
Col. McLeod.

### Committee of Papers.

Capt. Forbes.

Dr. Stewart.

Dr. O'Shaugnessey.

\*Mr. Cracroft.

Dr. Adam.

\*Dr. McLellan,

Dr. Wallich.

\*Dr. Evans.

The election of 3 annual members constituting the special committee for superintending the society's museum, was then proceeded with, when it was proposed to re-elect the present members. Question put to the vote and carried unanimously.

### Museum Committee

Mr. Crawford, Drs. McLellan and Evans.

A letter was read from M. Csoma Korosi, declining acceptance of the office of librarian, when it was proposed by the secretary, and seconded by the Lord Bishop, that Mr. M. Kittoe should be placed in temporary charge of the library and museum on the consolidated salaries of Drs. Burlini and Pearson, as allowed to those officers. Put to the vote and carried *nem. con.*

Mr. Kittoe returned thanks for the honor conferred, and signified his acceptance of the office.

The appropriation of Dr. Evans's very valuable collection of Natural History (laid out for the inspection of the members which had been tendered to the society for purchase at a previous meeting) was now discussed, when it was proposed to refer the matter to the committee of papers.—*Englishman*, Jan. 5.

\* Members of the Museum Committee.

## VEGETABLE EXHIBITION.

The show of vegetables was far beyond anything that could have been expected with reference to the unusually unfavorable season. The cauliflower was beautiful and would have vied with any in Covent Garden. The cabbage was also very fine. The peas were excellent, and there were two fine baskets of English or rather Cape broad beans. Carrots from Cape seed were superior to preceding years; onions and leeks, though few, were large and good and the red beet and salad were in good season. Only two baskets of artichokes were visible, and potatoes very few. Of native vegetables, the pure white and red bringals were most conspicuous; the celery though good, was not sufficiently blanched.

The scene was altogether attractive, and the number of ladies who graced the Hall, rendered it doubly so. Let us hope, now that they have found their way to the Town Hall, they will not consider it beneath their attention to get up a *Floricultural* exhibition. The highest noblemen and noblewomen in England compete now for prizes in Horticulture, and if the ladies in India would only set their fair hands and heads to work, we should get on even more rapidly in the flower garden, than we have done in that of the kitchen. We intreat the ladies to give this subject their immediate consideration. We have noble proof of what they can do and have done in furthering the great objects of education, and charity; let them bestow a very small portion of time and means to "flowers of loveliness," and we shall not despair of seeing the dahlia, the crocus, ranunculus, moss rose, gum-listus, lavender and the innumerable list of pretty flowers that adorn our English parterres, brought to emulate those in our native land.

We understand that the secretary has applied to Messrs. Noble and Sons, of Fleet-street, for a supply of rare flower seeds against next cold season.

Among the visitors who were present, we noticed Sir Edward Ryan, Sir John P. Grant and Mrs. Pennington, Captain Hobson of the Royal Navy. Several Officers of His Netherland Majesty's ship of war, Dr. Wallich, &c.

The medals and rewards, were distributed by Mrs. Pennington, in the following order.

CAULIFLOWERS.	Medals.	Rs.
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
 PEAS.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3

LETTUCES.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
CELERY.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
CABBAGES.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
For the best sample of Red Cabbage,.....	1	0
For the best ditto of Savo 7 ditto,.....	1	3
TURNIPS.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
KNOLLE COLE.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
CARROTS.		
For the best sample,.....	1	8
For the 2d best,.....	0	5
For the 3d,.....	0	3
ARTICHOKE.		
For the best sample,.....	1	6
JERUSALEM ARTICHOKE.		
For the best sample,.....	0	8
FRENCH BEANS.		
For the best sample,.....	0	3
RED BEET.		
For the best sample,.....	0	3
LEEKS.		
For the best sample,.....	0	8
ONIONS.		
For the best sample,.....	0	6
WINDSOR BEANS.		
For the best sample,.....	1	5
For the 2d best,.....	0	5
TOMATA.		
For the best sample,.....	0	4
		12 177
For the best sample of Pepper (grown by Mr. R. S. Homfray's Mallee,.....	0	3
For other smaller prizes,.....	0	20
Total Medals, Rs.....		12,200

Judges.  
Dr. Wallich, Dewan Ramcomul Sen, W. Storm and M. F. Gibbon, Esqrs. [Hukuru, Jan. 13.]

## AGRICULTURAL AND HORTICULTURAL SOCIETY OF INDIA.

The anniversary meeting of this society was held at the Town Hall, on Wednesday morning, the 10th January, 1838, at half-past nine o'clock.

## PRESENT.

N. WALLICH, Esq., M. D., V. P., in the chair.  
The Hon. Col. Rehling, Col. D. McLeod, Dr. Hufnagle, Dr. A. R. Jackson, C. K. Robison, Esq., Wm. Storm, Esq., R. Watson, Esq., Hon. W. H. L. Melville, Capt. H. Carter, A. Beattie, M. A. Bignell, F. P. Strong, A. C. Dunlop, W. K. Ewart, A. Harris,

E. Preston, R. Smith, W. Cracroft, and W. F. Gibbon, Esqrs., Baboo Cassinath Bhowe, J. H. Stocqueler, D. B. Syers, G. A. Prinsep, D. Hare, W. G. Rose, Jas. Fergusson, W. Speir, D. F. McLeod, N. Mackenzie, D. McPherson, J. H. Haines, A. Porteous, and John Jenkins, Esqrs., and John Bell, Esq.

VISITORS.—Messrs. Spry and Dearman.

The proceedings of last meeting were read and confirmed. The following gentlemen, proposed at the last meeting, were elected members of the society, viz.:

The Revd. F. Wybrow ; Cowkrishnath Roy Bahadur, Rajah of Cossimbazar ; C. Tucker, Esq., C. S. ; Thos. Palmer, H. C. Kemp, and E. W. Chributt, Esqrs. ; Lieut. J. R. Lumsden ; Lieut. J. R. Abbott, and Captain F. Smallpage.

The following gentlemen were proposed as members :  
L. Saget, Esq., of Sicrignally, Bhaugulpore, proposed by H. Piddington, Esq., and seconded by the secretary.

W. Vansittart, Esq., and Capt. F. W. Birch, proposed by F. P. Strong, Esq., and seconded by the secretary.

Thomas Gibbon and James Casserat, Esqrs., proposed by W. F. Gibbon, Esq., and seconded by the secretary.

J. H. Bridgman, Esq., proposed by H. Walters Esq., and seconded by William Storm, Esq.

J. A. Gregg, of Dum-Dum, and P. Sutherland, Esqrs., proposed by W. G. Rose, Esq., and seconded by William Storm, Esq.

R. S. Strickland, Esq., proposed by the Secretary and seconded by William Storm, Esq.

H. H. Spry, Esq., (Assistant Surgeon,) proposed by Dr. Wallich, and seconded by the Hon. Col. Rehling.

Capt. W. N. Forbes, (Engineer,) proposed by C. K. Robison, Esq., and seconded by Dr. Wallich.

William Mackenzie, Esq. proposed by A. Beattie, Esq., and seconded by Dr. Jackson.

The meeting then proceeded to the annual election of office bearers, when all the officers of the past year were re-elected, the list therefore remains the same which is as follows, viz.

**PRESIDENT.**—The Honorable Sir Edward Ryan.

**VICE-PRESIDENTS.**—Dr. Wallich ; His Highness Nawaub Tohowerjung ; C. K. Robison, Esq., and Rajah Radhakant Deb.

**GENERAL COMMITTEE.**—Dr. Strong, Joseph Willis and D. Hare, Esqrs. ; Baboo Radamadub Banorjee, A. M. Low and William Storm, Esqrs.

**SECRETARY AND COLLECTOR.**—John Bell, Esq.

**NATIVE SECRETARY.**—Dewan Ramcomul Sen.

The lists of members appointed to the standing committees (9 in number) remain unaltered, viz. :

#### STANDING COMMITTEES.

**Sugar.**—N. Alexander, A. Colvin, Dwarkanath Tagore, D. Hare, G. U. Adam, A. Muller, J. Allan, W. Storm, J. Dougal, J. W. Masters, and John Bell.

**Cotton.**—Jos. Willis, A. Colvin, Dr. Hufnagle, G. A. Prinsep, W. Speir, W. Storm, D. B. Syers, W. Earle, G. U. Adam, and John Bell.

**Silk, Hemp and Flax.**—W. Speir, Ramcomul Sen, Professor O'Shaughnessy, Jos. Willis, R. W. Watson, C. K. Robison, H. M. Low, D. W. H. Speed, G. T. F. Speed, W. Storm, and John Bell.

**Coffee and Tobacco.**—Dr. Storm, Dr. Wallich, H. Walters, G. A. Prinsep, Capt. Leach, D. W. H. Speed, H. M. Low, D. Hare, and John Bell.

**Implements of Husbandry and Machinery.**—Col. D. McLeod, E. Sterling, James Prinsep, W. Cracroft, Ramcomul Sen, C. K. Robison, H. Walters, Radhakant Deb, Dr. Hufnagle, D. Hare, and John Bell.

**Caoutchouc and Oil Seeds.**—Dr. Wallich, Professor O'Shaughnessy, Ramcomul Sen, W. Speir, Radhakant Deb, J. P. Marcus, Dr. Corby and John Bell.

**Improvement of Cattle.**—Dr. Wallich, H. Walters, N. Alexander, C. K. Robison, Dr. Hufnagle, W. Storm, W. P. Grant, G. A. Prinsep, W. F. Gibbon, Dr. Jackson, and John Bell.

**Committee of Papers.**—Dr. Wallich, W. Cracroft, W. Storm, W. K. Ewart, M. A. Bignell, and John Bell.

**Nursery Committee.**—Dr. Wallich, W. Storm, Dr. Hufnagle, W. F. Gibbon, Capt. Leach, and John Bell.

The secretary read the annual report of the society including that of the collector, for the past year, which exhibited very satisfactory evidence of the increasing interest, to the objects of the institution, both as regards its financial resources, and numerical strength. During the past year 243 names had been added to the list of members, and only three retirements, two of those being gentlemen leaving Calcutta, and the other, having no time to attend to its proceedings.

Proposed by Mr. Cracroft, seconded by Dr. Wallich, and

**Resolved.**—That the reports just read be adopted.

Proposed by Dr. Wallich, seconded by Mr. G. A. Prinsep, that the thanks of the society be given to Mr. Bell for drawing up these reports.

The vice president, next called attention to the annual exhibition of vegetables, and anniversary dinner, and proposed that the same course be adopted on this, as on the former occasion, viz., that the time and details regarding the exhibition of vegetables and the dinner be left to the Committee of Management. This proposition was adopted by the meeting.

Read the report of the Caoutchouc Committee on the motion made by Mr. Cracroft at last meeting. The committee recommend that the gold medal be awarded to Lieutenant Vetch on the condition being complied with, as embodied in the proposition.

**Resolved.**—That the report be adopted.

Read the report of the committee on implements of husbandry and machinery, on the motion by Mr. Bell at last meeting.

The committee report, that a machine after Mr. Teignmouth Sandy's model, could not be erected at a less cost than one thousand rupees, and that it is not expedient to incur this cost, with reference to the advantage it might possess over machines of similar construction, &c.

**Resolved.**—That the committee's report be adopted.

Read the reports of the Nursery Committee, made up since the last meeting, showing an increased cultivation of sugar-cane, and resolutions upon which the cotton beds, &c., are to be made subservient to more supplies of cane expected from Jubbulpore and Bourbon.

**Resolved,** that the Committee's reports be confirmed.

The motion made by Mr. Storm at last meeting—"That an application be made to the Admiral commanding in India, requesting him to give instructions to any of Her Majesty's ships of war touching at Otaheite, to bring such quantity of the cane of that island as they may be able conveniently to carry for the use of this society," had been carried into effect by the secretary addressing a letter to that authority.

#### NOTICE OF MOTION.

Proposed by A. Beattie, Esq.—"That with a view to the improvement of sugar cultivation in Bengal, this society having employed all the means in their power to obtain a sufficient supply of a better description of cane than is indigenous in this country ; and there being only a limited quantity now in their possession, and but slender prospects of an early accomplishment of this desirable object, on a sufficiently extensive scale without aid from some other quarter, that the

secretary be requested to address the Government on the subject, and solicit His Honor the President in Council, to consider whether, for an object fraught with such extensive benefit, and of such general utility, the Government could employ at an early period one of their own vessels in bringing up a supply of seed cane from Otaheite, this society would undertake to distribute it in the most prudent manner, to secure the best possible result from the same, in the sugar cultivation throughout this presidency."

The following communications were read. From Dr. R. Wight, of Madras, dated December 21st, transmitting 410 more copies of plates of dye lichens to complete the number required for the transactions, viz. 500, forwarding copy of a correspondence with the Madras Government on the subject of lichens, and regretting his inability to furnish more information at present regarding them, but promising to do so, when in his power to procure it.

The Vice President here called the attention of the meeting to the subject of certain observations made by the secretary in his precis of the meeting of the 8th November, 1837, in a letter from Dr. Wight, of Madras, to Dr. Wallich, which was read on that occasion, and stated that from letters that had since passed, which he thought it unnecessary to bring forward, he was sorry to say, had given offence to Dr. Wight.

The Vice President then read the extracts and observations in question, after hearing which the meeting was of opinion, that nothing of an offensive nature appeared in the secretary's remarks.

The secretary, however, observed, that as the remarks made in Dr. Wight's communication in the precis of the 8th November meeting, were his own, and not those of the society, he begged to "propose that a minute be made in the proceedings, to the effect that the paragraph which appeared in the precis of a meeting of the 8th November might be cancelled, which was assented to."

From Dr. Wallich, dated December 19th, presenting on the part of Mr. C. Manley, a small quantity of nan kin cotton seed.

From Capt. Sanders, Secretary to the Military Board dated December 15th, in reply to the secretary's letter of the 8th instant, on the subject of guinea grass, returns the society the thanks of the Board, for the information therein contained.

From Capt. A. Bogle, dated Kyonk Phyoo, December 3rd, advising despatch by the *Krishna* of a parcel containing samples of Arracan rice, together with a list and prices of the same during the past and present year, and conveying information regarding this, the most important staple product of the province.

Stating that he has also forwarded by the same vessel, three bottles of genuine Sandoway tobacco seed and sugar-cane cut in the island of Ramree, as samples of the cane of Arracan, which seem to be superior to the common cane of Bengal. Asking for a supply of seed paddy, cotton seed, and Otaheite cane, mentions his endeavours to discover beds of coal, and iron ore, which are known to exist on that coast, and requesting information on the subject of caoutchouc.

From Dr. W. G. Maxwell, dated December, forwarding, for presentation to the society, two large sized colored drawings, from nature, of two species of the tobacco plant, natives of the Northern Circars.

From R. W. Chew, Esq., dated December 18th, forwarding a bunch of junerees, the produce of his garden.

From the Revd. T. Boaz, dated December 21st, forwarding on the part of Capt. A. Bogle, the several articles alluded to in that gentleman's letter, viz. 3 bottles Sandoway tobacco seed, 3 sugar canes, and a packet containing samples of rice.

From Dr. Wallich, dated December 21st, annexing extract of a letter to his address from Mr. Richards of the Royal Botanic Garden at St. Denis at Bourbon, under date 26th October last, in which that gentleman promises to transmit very shortly a box of cactus with "cocheniller fina," and 25 cases of Batavian sugar cane.

From Lieut. H. Bigge, Secretary to the Agricultural Society of Assam, dated September 16th, announcing the formation of a branch society at Gowhatti, on the 15th September, under the title of "*The Assam Agricultural and Horticultural Society*," and soliciting the aid and advice of the Parent Society, towards furthering the objects of this association.

N. B. The cause assigned in the precis of last month's proceedings, for the delay in acknowledging the receipt of a communication from R. Montgomery, Esq., of Azimgur, is equally applicable to the above letter.

From Major Sleeman, dated "on the Ganges," December 14th, stating that in accordance with the request conveyed in the secretary's last letter, he has asked Lieut. Brown to transmit, on account of the society's nursery, a good supply of cane from his Jubulpore plantation, and that the same may be expected to reach the presidency in the early part of February next.

Conveying, in reply to queries, some information respecting the Otaheite cane, and mentioning the circumstance, that at Deyrah, a solution of the cedar-oil in water, has been found an effectual preventive to the attack of worms on this species of cane.

From Lieut. Charles Brown, dated Jubulpore, December 7th, intimating his intention of forwarding to the care of R. Lowther, Esq., of Allahabad, 2 hackery loads of Otaheite sugar-cane, from Major Sleeman's plantation.

Stating that he has advised Mr. Lowther of this intended despatch, and has requested that gentleman to transmit the canes to the society by the first steamer leaving Allahabad. Mentioning that if required, he can send down a further supply next month.

From Dr. H. H. Spry to Dr. Wallich, dated December 17, presenting a small supply of sugar-cane procured from Car-Nicobar, where it grows in a wild state. Forwarding a few copies of the proceedings of the Agricultural Committee of the Royal Asiatic Society.

From Dr. Wallich to the secretary, dated December 19, forwarding a letter to his address from Dr. H. H. Spry, and stating that the cane therein alluded to (11 in number) are in good condition, and have been planted out in the society's nursery.

From Lieutenant C. Burnett, dated Beaur, November 29, advising despatch by dak banghy of the following, viz. sample of a species of barley termed "celestial," cultivated in the vicinity of Beaur; sample of maize grown from American seed forwarded by the society some time ago, and sample of nankin cotton, the produce of Captain Dixon's garden.

Annexing a memorandum regarding the cultivation of the cotton seed supposed to be American (of the produce of which a sample of cotton has been forwarded, care of Dr. McLean, who may be expected to reach Calcutta in January).

Alludes to the attempts made to introduce the Otaheite sugar-cane in that part of the country, in which they have been frustrated by the depredations of the white ant, and requesting advice, as to the best means of destroying them.

From R. Watson, Esq., dated December 26, enclosing a letter to his address from Mr. J. C. Warner, dated Guttal, December 21, on the subject of a second unsuccessful attempt to wind off the silk from another supply

of area cocoons transmitted by Captain Jenkins, and of which a small quantity had been forwarded to Mr. Watson. Suggests, that with reference to the latter part of Mr. Warner's note, a supply of the eggs of the area worm be sent to that gentleman, when a fairer experiment may be made, on the cocoons produced by them.

Specimens of Bhaugulpore tusser wound raw silk, from James Pintel, Esq., were forwarded by — Shaw, Esq., of which particulars will be given hereafter, as to the mode of reeling it off.

From D. F. MacLeod, Esq., (no date) received December 29, presenting specimens of tusser raw silk from Seones.

From Dr. Wallich, dated January 3, reporting on a trial made in the society's nursery of samples of Gulph cotton seed received from D. B. Syers, Esq.

From J. Fagan, Esq., C. Assistant Surgeon, Rungpore, dated 8th December, forwarding a specimen of cotton, grown near the foot of the hills by a race of people called "Mace."

From D. B. Syers, Esq., forwarding samples of cotton seed alluded to in his letter of the 25th November last.

Memo.—This is the seed to which Dr. Wallich's report above noted, alludes.

From Dr. Cheek, Secretary to the Burdwan Society, dated December 29, forwarding samples of Virginia tobacco, guinea grass, arrow root, and cheese pumpkin, the produce of the branch society's garden.

From R. S. Homfray, Esq., dated Barripore, January 5, presenting two samples of paddy, grown by him near Barripore, one marked A, of a description termed "Teelsaugor," the other marked B, called "Hulleed-soorie," and giving an account of the manner of cultivating, and of the expense attending the same.

From G. Leyburn, Esq., dated January 8, presenting some barley for seed.

From Dr. Hufnagle, dated January 9, presenting in the name of A. Graham, Esq., of Dowlutgunge, Kishnagur, specimens of Indian corn, the produce of several successive generations, raised from American seed received in 1834.

From Dr. F. P. Strong, dated January 10, presenting a small supply of English rye grass seed and Dutch clover seed.

From D. W. H. Speed, Esq., dated January 10, forwarding a stock of sugar-cane said to be Otaheite.

From Messrs. Vilmorin, Andrew and Co., dated Paris, April 28th, to the address of H. Piddington, Esq., advising despatch on account of this society of a box containing an assortment of seeds, numerous as to variety, but in quantities so small, as hardly to be divisible.

The secretary has also to acknowledge the following presentations.

A cob of maize received from Sir E. Ryan, length 10 inches, circumference 7 inches, and number of grains, 1,060.

From the Royal Asiatic Society of Great Britain and Ireland, (received from Messrs. Thacker and Co.,) its journal No. 7.

Proceedings of the Committee of Agricultural and Commerce 12 copies.

Also, through the same channel, a copy of the address of the President of the Medico Botanical Society.

From the Madras Agricultural Society (received through Dr. Wight) a copy of instructions for the cultivation of the Mauritius sugar-cane, and notes on dye lichens.

From Government, 3 copies of a pamphlet, containing remarks on the natural resources of the Tenasserim provinces, by Dr. J. W. Helfer.

The Hon. Mr. Melville proposes to open a communication with the Highland Society. Their anxiety to obtain the productions particularly of the Himalaya, that gentleman had well ascertained and was sure they will supply in return any product, which may be desired.

The secretary intimated that he had addressed the Highland Society, last year, and had forwarded a copy of this Society's transactions, but he thought there was scarcely time yet to receive a reply. The meeting was unanimous in its anxiety to be placed in communication with that and all societies of a similar nature and Mr. Melville and Dr. Jackson, offered to co-operate in England and Scotland, towards effecting this object. The latter gentleman also offered to procure for this society any books, or information, that were required from England.

The thanks of the society were directed to be offered for the foregoing communications and presentations.

N. B. The society give the foregoing precis of the various letters and papers submitted to them, with a view to their acknowledgment, and for the information of the public without professing to answer for the certainty of the facts, or the propriety of the reasonings therein contained, which must rest on the credit or judgment of the writers.

JOHN BELL, Secretary.

Agricultural and Horticultural Society.

Town Hall, Calcutta, Jan. 10, 1838.

#### PROCEEDINGS OF THE NURSERY COMMITTEE.

A meeting of this committee took place at the residence of the secretary on Wednesday evening, the 20th December, 1837.

PRESENT.—N. Wallich, M. D.; C. Hufnagle, M. D.; W. F. Gibbon, Esq.; John Bell, Esq.

The committee had previously visited the Nursery, and found the sugar-cane, recently planted, coming up very regularly, notwithstanding the continued drought. Plot No. 12 of Dr. Hufnagle's plan, was holed ready for the reception of more cane; plot No. 14 was being trenched.

*Resolved*.—That the ripe cane in plot No. 1, be forthwith cut down and planted out in plot No. 12.

*Resolved*.—That the ground now treaching be reserved for expected supplies.

Dr. Wallich read an extract of a letter this-day received from Mr. Richard, Superintendent of the Botanical Garden at Bourbon, dated 26th October, 1837, stating that he had prepared a case of cactus, on which he intended to transport to this society the *grana-faa* insect, and promising to follow up this despatch by more in the event of accident or failure.

Mr. Richard also informs Dr. Wallich, that he had made ready 25 cases for the reception of *Batavia* cane, destined for the society's Nursery.

Dr. Wallich informed the committee, that he had a small plantation of the cactus cochineallifer, and in anticipation of this supply of insect, had recently extended it considerably.

In regard to the 25 cases of cane expected, it was *resolved* that they be immediately planted out on arrival.

The secretary read a letter to his address, received from Captain Brown, in charge of Major Sleeman's cane plantation at Jubbulpore, bearing date 7th December, intimating his intention in reference to the secretary's letter of the 24th February last, to despatch in a day or two, 2 hackery-loads of canes for the society, to the care of Mr. Lowther at Allahabad, with a request that the latter gentleman would take the first opportunity of forwarding them by steam to Calcutta.

Read the secretary's reply to Captain Brown, dated 18th December, thanking him for his attention to the wishes of the society, and with reference to the latter para. of his letter, and anticipating the concurrence of the committee and of the society, (as Captain Brown required immediate notice) soliciting a further supply of 10 hackery-loads, which would make in all, 12 loads.

Read a letter that day received from Major Sleeman, dated on the Ganges, December 14, stating that he had instructed Captain Brown to give the society a supply of cane, and promising to give further information on the question of saccharine richness, compared with the juice of the country cane, when he should have time to follow up the enquiry.

*Resolved.*—That as the cotton beds had done their office, and with reference to the original design of the society, with regard to the Nursery, the land now under cotton cultivation be opened for cane cuttings, when they arrive.

*Resolved.*—That the Secretary's application to Captain Brown, appears to the committee, judicious, and that it be confirmed.

*Resolved.*—That Major Sleeman is entitled to the best thanks of the committee in giving effect to the society's wishes, as advised in his letter to the address of the secretary read this evening.

A meeting of the committee took place at the residence of W. F. Gibbon, Esq., on Friday evening, 5th January, 1838.

**PRESENT.**—N. Wallich, M. D.; C. Huffnagle, M. D.; W. F. Gibbon and John Bell.

The committee visited the Nursery, and found that with reference to a resolution, passed on the 20th ultimo, the greater portion of the old stock of sugarcane of plot No. 1, had been cut and planted out.

That the sugar-cane received from Captain Bogle, of Arracan, through Mr. Boaz, had not come up, and from their appearance could not be expected.

That plots 14 and 15 were mostly trenched, and partly dressed with lime.

That the West India ginger roots were now ready to be taken up.

*Resolved.*—That they be taken up and kept carefully in sand, and that an advertisement be sent to the papers, with a view to collect the names of parties desirous of having a small supply; but that none be delivered until after a month's date of the first advertisement, when intending cultivators shall be entitled to equal shares, reserving a small quantity to keep up a supply in the Nursery.

The cotton seed (Gulf) offered for sale by D. B. Syers, Esq., had partially vegetated in gumlaha only that on the open ground had not sprung up.

*Resolved.*—That it does not appear to the committee prudent to recommend a purchase of the seed.

(Sd) N. WALLICH. (Sd) THOMAS LEACH.

„ C. HUFFNAGLE. „ WM. STORM.

„ W. F. GIBBON. „ JOHN BELL.

Hurkara, January 13.]

## HOWRAH SEAMEN'S HOSPITAL.

As there are a good many vessels in the river at this period of the year, an opportunity is perhaps afforded us of effectively drawing attention to the Howrah Seamen's Hospital, and the merit of the party (Mr. J. W. Linton) to whose superintendence it is entrusted. We have before us a small brochure, reciting the advantages of the institution, and exhibiting the names of those captains of ships who have borne testimony to its general utility. Of the number of seamen admitted into the Hospital, not less than 1,104 have been cured, between the month of November 1834 and October last. Every thing in

the establishment is conducted on principles of economy without impairing efficiency, and the greatest attention is paid to the comfort of the officer or sailor, who may seek the advantages of the asylum. Dr. Green acts as surgeon and physician to the institution, and the Rev. Mr. Bowyer affords spiritual aid and consolation to the suffering patient. There are besides these gentlemen, other officers attached to the establishment, whose duty it is to attend to the sick seamen. Altogether, the Hospital merits the support of the mercantile and maritime community.—*Englishman*, Jan. 12.

# MEDICAL AND PHYSICAL SOCIETY.

*Proceedings of a Meeting of the Medical and Physical Society of Calcutta, held at the Asiatic Society's Apartments, the 6th Jan. 1838.*

## PRESENT.

Drs. Sawers, Goodeve and Wallich; Messrs. Corby and McClelland; Drs. O'Shaughnessy, Rankin, Bain, Stewart and Bell; Messrs. Ledlie, McCosh, O'Shaughnessy, Chapman, Porteous, Egerton, Green and Strong; Dr. Hufnagle, Mr. Oyr, Dr. Spry.

Letters from the following gentlemen were read.

From W. Watson, Esq., Garrison Surgeon, Allahabad, stating his wish to withdraw from the society.

From the Secretary of the Asiatic Society, returning the thanks of that body for the three first numbers of the Quarterly Journal.

From Mr. George Parbury, of New Broad Street, London, requesting that the society would constitute him their agent in England.

From J. Jackson, Esq., of Ghazee-pore, stating that he begged to forward four specimens of calculi, which he had lately removed with complete success from natives in his district.

From F. P. Strong, Esq., forwarding a resolution of the managers of the Calcutta Public Library, stating that they were willing to receive and take charge of the Society's Library, and to afford the services of their librarian, should it be deemed expedient to remove the books of the Medical Society from their present situation. Dr. Strong stated, that the whole cost of the preservation of the books, should the above offer be accepted, would not exceed 5 rupees per month; (the salary of an extra duffry).

From the same gentleman (Dr. Strong) forwarding the case of a young man who was deaf and dumb, and requesting that the society would consult upon the possibility of affording the patient any relief.

From Mr. Secretary Mangles, forwarding copies of Dr. Halfer's report upon the Tenasserim province.

The following communication was then presented.

History of a case of femoral aneurism wherein the external iliac artery was successfully tied by R. O'Shaughnessy, Esq.

The Secretary then presented his summary of accounts for the past year, by which it appeared, that the

Medical and Physical Society of India, in account current with the treasurer,

Dec. 30, 1837. Cr. By balance, 1st January, 1837, deposited in Union Bank,.....	5,104 0
By Subscriptions,.....	2,956 0
<b>Re</b>	<b>8,060 0</b>

Dr. To amount expended as per particulars rendered.....	2,989 0
To balance carried to 1838,.....	5,071 0
<b>Re</b>	<b>8,060 0</b>

Cr. By cash deposited in Union Bank, drawing interest at 4 per cent.....	3,000 0
By cash, 2,071 rupees,.....	5,071 0

Dr. To liabilities of 1837, .....	1,295 0
<b>Re</b>	<b>3,776 0</b>

## SKETCH OF DEPENDENCIES, &c.

Cr. By balance as above,.....	3,776 0
By bills receivable [sum due from Members].....	6,625 0

**Re 10,401 0**

Dr. To liabilities for 1838.....	2,472 0
Probable balance at the end of the present year without including subscriptions growing due for 1838,.....	7,929 0

(viz. 5246).. 10,401 0

The report of the Committee appointed to enquire into the state of the society was then presented.

[The Committee recommended,

1st. That the Quarterly Journal cannot, consistently with the interests of the society, be carried on in its present form, and the funds ought not to be expended otherwise than by publishing from time to time the transactions of the society by building or purchasing suitable apartments to meet in, and to contain the library and museum, and by encreasing these according to the means of the society.

2nd. That the election of office-bearers should be by vote of the resident members, among whom the voting list should be circulated soon after the last December Meeting, that the result of the election may be ascertained before the beginning of the succeeding January.

This will prevent self election in case of the January meeting being thinly attended, and be the means of avoiding personal and disagreeable discussions, and of making the votes public in so far as the resident members are concerned.

3rd. That instead of two committees, there should be only one, to be called "the Committee of Management and Papers," consisting of the Office-bearers and four ordinary members.

This committee to be elected at the same time and in the same manner as the other office-bearers, and in the event of a vacancy occurring between the period of election, the vacancy to be filled up by the individual who commanded the number of votes next to those of the members returned at the last election.

4th. That no official statement of the proceedings of the society shall in future be published without having been previously laid before the Committee of Management and approved of by them.

5th. That in consequence of the difficulty of collecting the subscriptions from the more distant stations, the secretary shall be relieved from the duties of treasurer, and a person, not a member of the society, be appointed treasurer.

The present committee being desirous of ascertaining if the above opinions meet the wishes of the resident members, they are requested to have the goodness to insert, yes or no, as they may approve or disapprove of each of the five propositions according to the form appended.

This report was signed by two members of the committee, but Dr. Goodeve objected to the 1st proposition, stating that he wished this question and some others to be referred to the deceased members.

At the suggestion of Dr. O'Shaughnessy, these propositions were then put to the vote *strictim*.

The first proposition was negatived and the following amendment, proposed by Dr. O'Shaughnessy and seconded by Dr. Goodeve, was carried by a majority of 16 to 4.

That the first proposition, together with the accounts, be referred to the Mofussil members, and that the correspondence therefrom ensuing be referred to a Committee of scrutineers composed of Messrs. Sawers, Bell and Ranken.

The 2nd proposition was carried by a majority of 16 to 2.

An amendment was proposed upon this by Mr. McCosh, seconded by Mr. Bell.

That the rule be applicable to the present election.

This was cast by a similar majority.

The 3rd proposition, proposed by Dr. Ranken seconded by Mr. Green, was carried unanimously.

The 4th proposition, proposed by Mr. Bell, seconded by Dr. McCosh, was lost by a majority of 16 to 3.

The 5th, proposed by Dr. O'Shaughnessy, seconded by Dr. Goodeve, was carried by a majority of 18 to 1.

It was then proposed by Mr. Bell, seconded by Dr. Goodeve, and carried unanimously, that the bye-laws of the society be collected and printed.

The society then proceeded to elect the office-bearers and the ballot box having been circulated, the following gentlemen were found to be elected by a very large majority.

Dr. Sawers, President.

Dr. Wallich, Vice President.

Dr. Goodeve, Secretary and Treasurer.

Dr. O'Shaughnessy, Foreign Secretary.

Dr. R. O'Shaughnessy, Assistant Secretary and Treasurer.

Drs. Ranken, Egerton, Chapman, and Stewart, Members of the Committee of Management.

The President then stated, that in case it should be deemed expedient for the society to remove from its present locality, the Medical Board would be most happy to accommodate it in the rooms of their office, where ample space might be found for the purpose.

It was proposed by Dr. O'Shaughnessy, seconded by Mr. Chapman, that this liberal offer should be accepted; but Mr. Corbyn having reminded the meeting that it was past 12 o'clock, and consequently that they were encroaching upon Sunday morning, the President adjourned the discussion upon this point till the next meeting.

H. H. GOODEVE.

Secretary, Medical and Physical Society.

Hurkaru, Jan. 16.]

## BENGAL MEDICAL RETIRING FUND.

*Proceedings of the First Quarterly General Meeting for 1838 of subscribers to the "Bengal Medical Retiring Fund."*

At a Quarterly General Meeting of Subscribers to the "Bengal Medical Retiring Fund," held at the Town Hall, Calcutta, at 4 o'clock P. M., on Monday the 8th January 1838, agreeably to Section XIX. of the Fund Deed.

### PRESENT.

Thos. E. Baker, Esq., Surgeon 10th L.C., in the chair.

John Sawers, 2d Member, Offg. as 1st Member Medical Board; James Ranken, M D, Offg Secy, Medical Board, and Presy Surgeon; Frederick Corbyn, Garrison Surgeon, Fort William; Alexander Garden, M D, Presy. Surg; George Angus, Surgeon, 7th Battalion of Artillery, Dum-Dum; Alexander Russell Jackson, M D Offg. Apothecary to the East India Company, at Calcutta; Gavin Turnbull, Surgeon, returned from furlough; Duncan Stewart, M D, Supdt. General of Vaccine, Calcutta; E W Walter Raleigh, 1st Assist Presy. General Hospital, Calcutta, Henry Harper Spry, M D Offg. Assist Garrison Surgeon, Fort William; Henry H Goodeve, M D, Professor Medical College, Calcutta; James Gregory Vos, M D, Deputy Apothecary to the East India Company, Calcutta; and John Arnott, M D Assist. Surgeon, doing duty at the General Hospital, Calcutta, Esquires.

The Secretary read the Proceedings of the last Quarterly General Meeting, and the following Report of the Proceedings of the Committee of Management during the last quarter;

### REPORT OF THE COMMITTEE OF MANAGEMENT.

*Medical Retiring Fund Office, 8th January, 1838.*

Para. 1st. Since the last Quarterly General Meeting of Subscribers to the Bengal Medical Retiring Fund, the Committee of Management have received applications for admission to Annuities from the following Subscribers to the Fund, viz.

John Swiney, Esquire, M D, Member of the Medical Board.

George Canning Campbell, Esquire, Superintending Surgeon, (Furlough 1st March 1833) through his brother A D Campbell, Esquire, of the Madras Civil Service.

Thomas Stoddart, Esquire, Surgeon, (Furlough, 6th February 1836.)

Alexander Scott, Esquire, Surgeon, (Furlough 8th January 1834) through his constituted Attorneys Messrs Boyd and Co, of Calcutta.

Para. 2d. Dr Swiney having served as a Member of the Medical Board for upwards of three but not quite four years, he has paid thirteen-sixteenths of the value of an Annuity at his age, conformably to section XXXIII, of the Fund Deed; and having resigned the service from the 31st ultimo, he has been admitted on an Annuity from the 1st instant, January, 1838.

Para 3d. The prescribed affidavit of age not having been furnished on behalf of Mr G. G. Campbell, his admission has been deferred until its receipt; when, on his resignation of the service appearing in General Orders he will be admitted an Annuitant on the usual conditions



Para. 4th. The Committee of Management report, that Mr. Stoddart has furnished every document necessary to his admission, accompanied by a letter addressed to the Secretary to the Government of India in the Military Department, tendering his resignation of the service; which letter was forwarded to the Officiating Secretary with the remark that "if Mr. Stoddart's resignation can be unconditionally accepted by the local Government, so as to give immediate promotion in his room, that Gentleman's application to be admitted on one of the Annuities declared this year will be immediately complied with; if, however, the confirmation of the Hon'ble the Court of Directors to his resignation be necessary, owing to his being on furlough, the committee must defer granting him an annuity until the receipt of the Hon'ble Court's orders." The Committee have been informed in reply in Officiating Secretary Lieutenant Colonel J. Stuart's letter of the 11th ultimo, that "Mr. Stoddart's application should be submitted to the Hon'ble Court, it not being within the competency of the local Government to accept the resignation of an Officer on furlough." Mr. Stoddart has had the sentiments of Government communicated to him by the Committee.

Para. 5th. An Annuity has been likewise reserved for Mr. Scott pending his resignation of the service appearing in General Orders. His Attorneys have been advised to this effect.

Para. 6th. It has also been intimated to Mr. Superintending Surgeon Thomas Tweedie (furlough) whose application for an Annuity was noticed in the Committee's Report read at the last Quarterly General Meeting, that the publication of his resignation of the service in General Orders is a necessary preliminary to his admission on an Annuity.

Para. 7th. Surgeon Thomas Munro, M. D., of the 58th Regt. N. I., whose acceptance of one of the first declared three Annuities for 1833 was noticed in the Committee's Report read at the Quarterly Meeting, held on the 10th July, 1837., not being yet relieved from the charge of his Regiment, an Annuity remains reserved for him.

Para. 8th. The Committee beg to notice, that of the seven Annuities offered by Circular dated 11th July, 1837,\* six have been accepted; viz. by Messrs Swiney, G. G. Campbell, Thomas Tweedie, Thomas Stoddart, Alexander Scott, and James Hall, leaving only one available, and which the Committee have reason to suppose will be immediately taken up.

Para. 9th. During the present quarter application for admission as Subscribers to the Fund have been received from Surgeons John Turner and William Dyer, and Assistant Surgeon Alexander Smith, M. D., all of whom have just returned from furlough. The Committee will submit their request for the consent of the Subscribers agreeably to the provision of Section III. of the Fund Deed.

Para. 10th. The Committee of Management find, that their ex-Secretary, Mr. Assistant Surgeon J. T. Pearson, has taken some objection to the following words used in the Report of their Proceedings read at the last Quarterly General Meeting. "No regular sets of books of Accounts having been at any time kept in the office of the Secretary to the Fund, the present Secretary has been directed to open the necessary books." As in noticing the fact above recorded, the Committee of Management did not mean to convey any censure against Mr. Pearson, but to urge upon the present Secretary, the expediency of having the accounts systematised and brought up as

speedily as possible, they have much pleasure in giving, in his own words, the explanation that Mr. Pearson desires the Committee of Management to offer, "As misconception has arisen of the meaning of the 2d paragraph, page 3d of the Committee's last Report, they have to state that they did not mean to convey an impression that there had been any neglect or incorrectness in bringing up the arrears of account on the part of the late Secretary; but that the irregularity they alluded to, was unavoidably owing to the unsatisfactory and unsettled state of the Fund, pending the sanction of the Court of Directors, which for so long a time interrupted and prevented the business of the Office, and the organisation of a regular system of receipts and payments, and to the requisite documents not having been supplied to enable them to bring up and complete the Accounts."

Para. 11th. Whilst on the subject of the Accounts of the Fund, the Committee of Management are glad to be able to inform their constituents that the Fund Accounts have been brought up as respects the posting up of each Subscriber's Account; but as it is necessary that the balance of the fund, as found by this process, should correspond with that exhibited in its favour on the Government books, and any discrepancy in either account properly reconciled; it will be necessary to wait the receipt of the Accountant General's promised Account of Interest on assets of the Fund in the Treasury. This account will be found useful for check in the adjustment of the interest accruing on each subscriber's account as computed in the Fund Office; and as its preparation is indispensable for the use of the Treasury Officers themselves, to enable them to arrive at the correct balance due from the State to the Fund on the 30th April, 1837, preparatory to investing it in General Treasury notes, as directed by Government, the Committee anticipate that it is, by this time, completed, and that a copy will now be soon furnished to them. Until, therefore, the Committee are favoured with this Account, they cannot carry into effect their intention to furnish each Subscriber with his Account Current with the fund, including Interest, as noticed in their last report. As the arrears, however, due from every Subscriber can now be accurately determined, all such as have not paid up, will be immediately called upon to liquidate.

Para. 12th. The Receipts and Disbursements of the Fund from 1st October, 1837 to 31st December, 1837, are as follow:

Receipts in October, 1837.....	Co.'s Rs.	10,505	3	8
Ditto " November, .....	"	18,208	9	0
Ditto " December, .....	"	45,352	8	11
		74,352	5	7

#### PAYMENTS.

For Secretary's salary for above three months.....	Co.'s Rs.	750	0	0
Printing & Advertising charges.....	"	153	2	0
		903	2	0

Net Receipts, Co.'s Rs. 73,449 3 7

Para. 13th. The sum of Sa. Rs. \*56,421 or Co.'s Rs. ₹0,182 6, 4 has been transferred during this quarter from unappropriated to "appropriated funds," as

* Value of Dr. Swiney's Annuity, ..	Sa. Rs.	26,481	0	0
Ditto of Mr. James Hall, .....	"	29,940	0	0

Sa. Rs. 56,421 0 0

or Co.'s Rs. 60,182 6

\* 3 for 1833 and 4 for 1834 declared at the Quarterly Meeting held on the 10th July 1837.

provided by Section XXXVI. of the Fund Deed, being the value of the Annuities granted to Dr. John Swiney, and Mr. Surgeon James Hall.

Para. 14th. The committee beg to annex the following list of casualties reported during the past quarter: *List of casualty among members ascertained since last Quarterly General Meeting held on the 30th*

October, 1837.

Date of Casualty	Surname	Baptismal Name.	Rank.	Where.	Remarks
15th Dec 1837.....	Donaldson James,....		Assistant Surgeon.	Secrole Benares.	Died.

Para. 15th. The following list exhibits the accession of Members by new arrivals from England since last quarterly general meeting.

*List of Assistant Surgeons who are subscribers to the Fund agreeably to the condition of their appointment to the service, and who have reported their arrival in Calcutta since last Quarterly General Meeting held on the 30th October, 1837.*

Date of Arrival.	Surnames.	Baptismal Names.
8th Dec. 1837.	Carlew, M. D...	George Schuyler.
11th Ditto, ...	Arnott, M. D.,...	John.
16th Ditto, ...	Watson,.....	Lewis Thackeray.
16th Ditto, ...	Davies,.....	Elliot Voyle.

Para. 16th. The committee of Management, understanding that the Hon'ble the Court of Directors have undertaken to recover subscriptions from officers on furlough in behalf of the Military Fund, have solicited the local Government to recommend to the home authorities the like indulgence being extended to the Medical Retiring Fund.

Para. 17th. The following is the state of the poll up to date, on the three questions submitted to the Subscribers with the Report of the last Quarterly General Meeting.

For the admission as subscribers of the 15 Members conditionally admitted by the Managers whose names are given in the margin :

James Gregory Voo, M. D.	For.....	133
James Ronald.	Against.....	12
W. M. Buchanan, M. D.	Majority in favor of their admission,.....121 of which 3 votes for Mr. Griffith's admission only.	
Henry Sill.	For the Agra proposition to alter the latter part of Section XXIII. of the Fund Deed to the effect that Annuities of £150 may be gratuitously granted to retiring subscribers, together with what the accumulated amount of their contributions will purchase, without requiring them to pay then full value of the other moiety :	
John McCosh.	For.....	25
John C. Smith.	Against.....	118
Frederick Furnell.	Majority against the proposition,.....	
Samuel M. Griffith.	93	
J. H. W. Waugh.		
E. W. Claributt.		
Donald Campbell.		
W. E. Carle, A. M.		
E. I. Yeatman, M. D.		
A. W. Steart.		
John Ransford.		

Proposition of last Quarterly Meeting empowering Dr. A. R. Jackson to consult a professional Actuary on his arrival in England as to the basis of the Fund calculations, &c. :

For.....	106
Against,.....	26

Majority for the reference..... 80

of which 13 propose a reference to Mr. Curwin, and 5 limit the expence to £50; giving a majority of 67 for reference to an Actuary of a London Assurance Office.

Para. 18th The two senior Members in the committee of Management going out in rotation this year conformably to Section XIV. of the Fund Deed, are A. R. Jackson, M. D., and C. C. Egerton, Esquires, and the subscribers have been called upon for their vote in the election of their successors.

By order of the Committee of Management,  
GEO. HILL, Secretary.

**Resolved.**—That the Report of the Committee of Management, just read, be confirmed and adopted by this meeting, and that the same be printed, and a copy thereof be sent to each subscriber conformably to Section XXI. of the Fund Deed.

Dr. JACKSON called the attention of the Meeting to an editorial article in this month's number of the "*India Journal of Medical and Physical Sciences*," entitled "*the last quarterly proceeding and close borough system commenced in the Committee of the Medical Fund*," and handed a number of the work to the Chairman.

The CHAIRMAN read the article to the Meeting. It expressed Mr. Corbyn's dissent from the Report of the Committee of Management, read at the quarterly meeting held on the 30th October last, as respected the Agra proposition, as well as the passage in the Report commencing with the words "*No regular sets of books of accounts having been at any time kept in the office of the Secretary to the Fund, the present Secretary has been directed to open the necessary books.*" Mr. Corbyn observes that the ex-Secretary, (Mr. Pearson,) sent a "*full refutation of all neglect on Mr. Pearson's part*," implied in the Committee's Report, and that he (Mr. Corbyn) applied to the Secretary for the letter containing such refutation to publish the same in his Medical Journal; but that Mr. Hill,—instead of complying with his request, which, as a member of the Management he had a right to expect, he (Mr. Hill) took the orders of his (Mr. Corbyn's) colleagues in the Management, and the result was, that his request was negatived. Mr. Corbyn asks "*by what authority or by what law the Committee of Management thus assume such a power*," and *whether a functionary [in reference to the Secretary] was authorized to disregard the requisition of a Member of the Management.*" Mr. Corbyn's remarks are followed by the note of the Secretary to the committee of Management submitting Mr. Corbyn's request for orders; and the votes of the several Members of the Management, with their remarks.

Dr. GARDEN said that Mr. Pearson's letter, which Mr. Corbyn asked for publication, was evidently written under excited feelings, and under the erroneous belief that the part of the committee's Report which he (Mr. Pearson) held objectionable, emanated from the present Secretary, and as the publication of the letter would tend only to prolong controversy, the Committee of Management objected to its publication. Dr. Garden continued, that although the part in the committee's Report respecting the books of the Secretary's office was substantially correct in every particular; yet, as no censure was implied against Mr. Pearson in the notice the committee took of the state of the accounts

In their last Report, they readily inserted in their present Report the explanation that Mr. Pearson himself dictated, he, as a Member of the Management, could bear his testimony to the zeal and trouble Mr. Pearson took in conducting the details of his office, and he was sure that, had Mr. Pearson continued as their Secretary, the books of the office would have been systematized; but as he quitted Calcutta without having done so, the work has been necessarily left to his successor, and to draw the present Secretary's attention to the state of the Accounts, on communicating to him his election to that office, the committee recorded a Resolution, "That, Dr. O'Shaughnessy having brought to our notice the total want of system and regularity in the Books of the Office, the Secretary be directed to attend particularly to this Department, and bring the books and Accounts into due order without delay." The substance of this Resolution was noticed in the committee's last Quarterly Report, and which was the subject of Mr. Pearson's animadversion. Had the Committee not readily acceded to Mr. P.'s wishes regarding the explanation in the present Report, he (Dr. G.) would not have objected to the publication of the letter at the proper time; but pending the consideration of it by the Committee, he certainly did object, as such publication could serve no good purpose and would tend to keep up excitement, and prolong controversy.

Mr. SAWERS, DIS. RANKEN, JACKSON, and STEWART, and Mr. RALEIGH respectively addressed the Meeting on the mischievous tendency of publishing garbled statements of the proceedings of committees entrusted:

with the management of pecuniary institutions. The committee of Management of the Medical Retiring Fund, the speakers presumed, would have no objection to the publication of all their proceedings, and would rather afford every facility towards, than thwart publication,

The following Resolutions were then put and carried.

*Resolved*.—That the Secretary was fully justified in not sending any papers to Mr. Corbyn for the avowed purpose of publication in his Journal, without the previous sanction of the committee of Management.

*Resolved*.—That the remarks published by Mr. Corbyn in his Journal of this month, and read to this Meeting by the Chairman, were premature and injudicious.

*Resolved*.—That no Member of the committee of Management is at liberty to publish any documents of the Fund office without the consent of a majority of his colleagues.

*Resolved*.—That the committee of Management will be ready to afford every facility to the publication of a fair and complete account of their Proceedings.

*Resolved*.—That the thanks of this Meeting are offered to THOS. E. BAKER, Esquire, for his impartial conduct in the chair.

T. E. BAKER, Chairman.

Hurk. Jan. 19.]

## BOMBAY GENERAL COURT-MARTIAL.

*Head Quarters, Bombay, 12th January, 1838.*—At a general court-martial, held at Bombay on Monday, the 20th Nov. 1837, Brevet-Colonel and Lieut. Colonel J. G. Baumgardt, of her Majesty's 2d (or Queen's Royal) Regiment of Foot, was arraigned on the following charge.

For scandalous conduct, unbecoming the character of an officer and a gentleman in the following instances:

1st. In having unknown to me, communicated in a letter to Major-General Willshire, of Her Majesty's 2nd or Queen's Royals, commanding Poona brigade and station, dated 1st July, 1837, that I had called on Lieutenant Cuyler, of that regiment, then under arrest, and had privately listened to his reflections on the character of another officer of the same regiment, such statement being malicious, unfounded, and injurious to my character as his immediate commanding officer.

2nd. In not having taken the means of contradicting or making known to me the malicious and unfounded report contained in his letter aforesaid, dated 1st July, 1837, to Major-General Willshire, although the falsehood of it had been made known to him, and he had been repeatedly recommended by the latter officer to communicate the same to me.

3rd. In falsely insinuating in a letter to Major-General Willshire, dated 20th August, 1837, that I was aware of the injurious report in circulation against me, but that I had shewn no disposition or wish to institute any inquiry or take any notice of it.

(Signed) JAMES SALTER, Brigadier-General,  
Commanding S. D. A.

On which charge the court came to the following decision:

*Finding and Sentence.*—The court having maturely weighed and considered all that has been adduced on the prosecution, together with what the prisoner Lieutenant-Colonel and Brevet-Colonel A. G. Baumgardt, Her Majesty's second (or Queen's Royal) Regiment of Foot, has brought forward in his defence, is of opinion as follows:—

That he is guilty of the first instance of the charge, with the exception of the term "malicious" set forth in the concluding part, in respect to the statements referred to.

That he is guilty of the second instance, with the exception of the term "malicious," as applied to the report therein referred to.

That he is not guilty of the third instance.

With respect to the preamble to the charge, the court finds the prisoner guilty to the extent of an officerlike conduct.

The court having found the prisoner guilty as above specified, in breach of the Articles of War, in such case made and provided, does adjudge him to be reprimanded in such manner as His Excellency the Commander-in-chief may be pleased to direct.

(Approved)

(Signed) H. FANE, General.

*Remarks by the Commander-in-Chief.*—In publishing the charges, finding and sentence in this case, the Commander-in-chief feels it his duty to state, that in consequence of the prosecutor, Brigadier-General Salter, having deemed it requisite that His Excellency should personally give evidence on the trial, it seemed right to His Excellency, with the view of obviating any suspicion that might possibly exist of the case not having been disposed of with perfect impartiality, to transmit the proceedings for approval or otherwise, to His Excellency the Commander-in-chief in India.

Sir Henry Fane has approved the finding and sentence of the court; but in reference to that part of the sentence which provides that Colonel Baumgardt shall be reprimanded in such manner as the Commander-in-chief of the Bombay army shall direct, he has expressed his wish that the task of giving it effect should remain in the hands to which the court had committed it. His Excellency however, at the same time, pronouncing it highly necessary that the proceedings of Colonel Baumgardt should be remarked on in the language of strong censure.

Under this intimation, it becomes the duty of Sir John Keane to observe, that the conduct of Colonel Baumgardt, as developed in these proceedings, has throughout the whole transaction been quite unbecoming his position in the army.

It appears in evidence, that Colonel Baumgardt, in a letter to Major-General Willshire, made an incorrect statement relating to the conduct of Brigadier-General Salter, his superior officer, and the commander of the division, to which he (Colonel Baumgardt) belonged.

As soon it was known to Colonel Baumgardt, that the statement referred to was inaccurate, and of that fact he could not be left in doubt, for it was established by the finding of a Court of Enquiry, which he himself had called, and the proceedings of that court were by himself communicated both to the Commander-in-chief in India and to the Commander-in-chief of Bombay; it obviously became incumbent on him, to undo the injury which in a moment of rashness or inadvertence, he had committed. The feelings of an officer and a gentleman, it might have been expected, would make him ever eager to volunteer a reparation, but Colonel Baumgardt took no measures whatever for that purpose.

The transaction being very properly brought by Major-General Willshire to the knowledge of Sir John Keane, His Excellency, through Major-General Willshire, conveyed his advice to Colonel Baumgardt on the subject, counselling him forthwith to offer a proper apology to Brigadier-General Salter, and at the same time to explain to that officer the manner in which he had received the erroneous information to which he had unfortunately been led to give precedence and currency. This advice, however, which Colonel Baumgardt clearly ought not to have awaited, he thought proper wholly to disregard.

Brigadier-General Salter, on afterwards becoming aware of what had passed, and hearing also of the advice which Colonel Baumgardt had received from the

Commander-in-chief, and with which he had not chosen to comply, sent for Colonel Baumgardt, and, in the presence of the division staff officer, put to him the question whether he had written the letter to General Willshire already mentioned. The answer was in the affirmative, and Colonel Baumgardt was proceeding to offer explanations, when General Salter ordered him to be placed in arrest, telling him that the time for explanation had gone by.

In the view the Commander-in-chief takes of this case, it signifies not whether Colonel Baumgardt originally looked on his letter to Major-General Willshire in a public or private light. Relating as that letter did, to the promotion of an officer of his regiment to a vacant company, Major-General Willshire, under all the circumstances of the case, which were very unusual, deemed it his duty to communicate it to higher authority; and when Col. Baumgardt was apprised of this having been done, and received from the Commander-in-chief the advice before mentioned, he has bound to regard the letter as a public document and to act on the advice so offered; and even independently of this view of the case, Colonel Baumgardt's own feelings should have prompted him to repair the wrong, which he had unwittingly done, introducing on false information the character of the general officer commanding his division, to that officer's military superiors. Yet in the defence, made by Colonel Baumgardt before the court-martial which the Commander-in-chief considers as placing his military judgment in a most unfavourable light, he uniformly seems anxious to make it appear, that himself, and not General Salter, is the injured party.

The Commander-in-chief would hold out this case to officers of all ranks, as an example of conduct to be avoided, should they be betrayed into the commission of an act injurious to the feelings or the reputation of another, and especially of those to whom they own peculiar respect, their first duty and their most honorable course, on being made aware of their error, is to resort to a frank and ingenious acknowledgment, rather than, by maintaining a stubborn silence, to convert the unintentional into a wilful injury.

The Commander-in-chief has experienced the utmost pain in finding himself compelled by a sense of duty to comment in these terms on the conduct of an officer of such high rank and long standing in the army, as Colonel Baumgardt; but His Excellency felt that he had no alternative, and Colonel Baumgardt can only impute to his own misjudgment and obstinacy the unpleasant situation in which he is placed.

In conformity with the sentence of the court, Colonel Baumgardt is hereby reprimanded; and he is to be released from arrest and to return to his duty.

By order of His Excellency, Lieut. Genl.

SIR JOHN KEAN, Commander-in-chief.

Head Quarters, Bombay, 18th January, 1838.

[*Bombay Herald*, Jan. 17.]

## SUPREME COURT.

MINUTES OF DECREE OF THE 14TH NOVEMBER 1837.

Christopher Martin and ) Decree and declare, that  
 others *versus* Robert ) pursuant to the report of the  
 Spankie, Esq. &c. ) Judicial committee of Privy  
 and the other causes. ) Council of his late most Gracious  
 Majesty William the Fourth, by the grace of God,  
 of the United Kingdom of Great Britain and Ireland,  
 King, defender of the faith and so forth, and the order  
 of his late majesty thereon made on the first day of  
 March 1837, so much of the Decree of the Supreme  
 Court of Judicature at Fort William in Bengal, dated 23d  
 February 1832, whereby it is "Decreed and declared  
 that the said testator, Claude Marten, having been by  
 birth a subject of the King of France, and having been  
 at the time of his death an alien, the lands and houses  
 in Calcutta alleged in the pleadings to have been held  
 by the said testator at the time of his death, with the  
 exception of the interest of the said Testator in the house  
 at Chaund Paul Ghaut, which previously to the Decree  
 of the 2 days of December 1822 had been sold, and by  
 the said Decree was declared to have been a part of the  
 personal estate of the said Testator, could not, according  
 to the law of England be devised nor pass by the said  
 will of the said Testator. And whereby it is declared, that  
 there are not the proper parties to these suits nor sufficient  
 evidence before the Court as to the lands or houses or  
 other real or immoveable property which are alleged in  
 the pleadings to have been held by the Testator and to  
 be situate beyond the boundaries of Calcutta, but in  
 places which at the time of the death of the Testator  
 were within the presidency of Fort William, or some of  
 the provinces subject to or forming a part of the said pre-  
 sidency, to enable the Court to determine whether the  
 same would and did pass by the said will of the said  
 Testator. And whereby it is ordered and decreed that  
 in as much as the Attorney General of our Lord the  
 King was not resident within the Jurisdiction of the said  
 Court, and there was no party to these suits who had  
 made any claim to any of the lands or houses or other  
 real or immoveable property on the part and on the  
 behalf of the Crown, the Receiver, appointed by the  
 said Court in these causes to receive the rents and profits  
 of the immoveable property, as well that which is situate  
 within Calcutta as that which is situate beyond the bound-  
 aries thereof; but in places which at the time of the  
 death of the testator were within the presidency of Fort  
 William, should continue to receive the rents and profits  
 thereof, and from time to time to pay the same into the  
 hands of the Accountant-General and Sub-Treasurer of  
 the Honorable East India Company (with the privity of  
 the Accountant-General of the said Court.) And whereby  
 it is further decreed and declared, that the rents and pro-  
 fits of the said houses and lands in Calcutta, with the  
 exception aforesaid, of the said house at Chaund Paul  
 Ghaut so declared as aforesaid to have been part of the  
 personal estate of the said testator which had theretofore  
 been received either by the executors or by any receiver  
 appointed by the said Court, together with the accumu-  
 lations thereon arising from interest, ought to be ascer-  
 tained, and that the amount when so ascertained ought  
 to be set apart and placed to the credit of a separate and  
 distinct account in these causes to abide any claim  
 respecting the same, which might be thereafter made by  
 or on behalf of the crown; and that all the rents and  
 profits of the lands and houses in Calcutta, except as  
 herein before is excepted, which might thereafter be  
 received by the Receiver of the said Court as aforesaid,  
 ought to be paid in and placed to the credit of the same  
 account; and that in like manner the rents and profits  
 or the proceeds of any sales of any lands or houses or  
 other real or immoveable property situate beyond the

boundaries of Calcutta, but in places which at the time  
 of the death of the said testator were within the presi-  
 dency of Fort William, or the provinces, subject to, or form-  
 ing part of the said presidency, which might have come  
 to the hands of the said Executors or any receiver ap-  
 pointed by the said Court, or might thereafter be re-  
 ceived by any such receiver, and might have been paid  
 or might thereafter be paid to the Accountant-General  
 and Sub-treasurer of the East India Company, (with the  
 privity of the Account-General of the said Court) ought  
 to be ascertained, set apart and placed to the credit  
 of another separate and distinct account. And whereby  
 it was referred to the Master to enquire and report, what  
 part of the funds then standing to the general credit of  
 these causes had arisen from the rents and profits, with  
 the accumulations of interest thereon, of any of the lands  
 or houses situate in Calcutta (with the exception as  
 before mentioned of the house at Chaund Paul Ghaut,  
 declared by the decree of the 2d of December 1822 to  
 have been part of the personal estate of the said testator,  
 and which in the pleadings are alleged to have been held  
 by the said testator, Claude Marten, at the time of his  
 death and that the said Master should also inquire and  
 report what houses, lands or other real or immoveable  
 property situate beyond the boundaries of Calcutta, but  
 in places which at the time of the death of the said testator  
 were within the presidency of Fort William, or the pro-  
 vinces subject to or forming a part of the said presidency  
 was or were in the hands of the said testator at the time  
 of his death, and what was the nature of the tenure  
 thereof, and the estate or interest, if any, which the said  
 testator had in the same; and what regulations or usages  
 had prevailed, and then prevailed in the said provinces  
 beyond the boundaries of Calcutta, as to the right and  
 power of European Aliens to devise or bequeath by will  
 any lands, houses, or other real or immoveable property,  
 of which they might be possessed at the time of their  
 death within the said provinces was reversed.

Decree and declare, that pursuant to the report of the  
 said Judicial committee and the order of his said late  
 Majesty thereon, so much of the decree of the Supreme  
 Court bearing date the 10th day of May 1836, whereby  
 this court did order, "decree and declare, that is as  
 much as there was no party to these Consolidated suits,  
 who had made any claim to the said lands or houses on the  
 part and behalf of the crown, the Receiver appointed by  
 the Court in the three first mentioned causes should con-  
 tinue in the possession, and to receive the rents, issues  
 and profits thereof, and from time to time should pay the  
 same into the hands of the Accountant General and  
 Sub-treasurer of the East India Company, (with the  
 privity of the Accountant General of this Court) to the  
 credit of a separate account in these consolidated causes  
 to be opened and headed as thereafter directed. And  
 whereby the said Court did further order, decree and  
 declare, that the sum of sicca rupees four hundred and  
 seventy-four thousand one hundred and fifty-four eleven  
 annas and six pie, being the amount mentioned in the  
 Schedule A annexed to the therein recited report of the  
 master, and filed on the twenty-first day of November  
 in the year of our Lord one thousand eight hundred  
 and thirty-five, and forming a part of the Funds stand-  
 ing to the General credit of the three first mentioned  
 causes, had arisen from the rents, issues and profits of  
 the aforesaid two houses, situate in Calcutta aforesaid,  
 received from the time of the death of the said Testator,  
 Major General Claude Marten, up to the twenty-ninth  
 day of February in the year of our Lord one thousand  
 eight hundred and thirty-two; and that in as much as  
 there was no party to these consolidated suits, who had

made any claim to the same on the part and behalf of the crown, the said sum, together with the interest and receipts since the date of the said report of the twenty-first day of November, one thousand eight hundred and thirty-five, ought to be transferred to the head of a separate and distinct account, entitled an account of the rents and profits of the houses situate within the town of Calcutta, subject to a claim of the crown; and that the said sum and all future vents, issues and profits to be paid in by the said Receiver as aforesaid, should remain under the said head of account in these consolidated causes to abide any claim that might be thereafter made on behalf of the crown. And whereby the said court did declare, that the houses, lands or other real and moveable property and estate of the said testator, Major General Claude Martin, situate without the boundaries of the said Town of Calcutta, but within the limits of the presidency of Fort William in Bengal, as such limits stood in the year of our Lord one thousand eight hundred and thirty two, and which were held by the said Testator, Major General Claude Martin at the time of his death, did not pass by the aforesaid will of the said Testator, Major General Claude Martin. And whereby the said Court did further order, decree and declare, that the said receiver of the said last mentioned houses and lands, should continue in the possession thereof and should receive the rents, issues and profits thereof, and from time to time should pay the same into the hands of the said Accountant General and Sub-Treasurer of the East India Company, (with the like privy as aforesaid) to the credit of a separate account, to be opened in those consolidated causes and headed as hereinafter next directed. And whereby the said Court did further order, decree and declare, that the sum of sicca rupees fifty-three thousand five hundred and fifty-eight, nine annas and three pie, set forth in the Schedule C of the Master's report of the twenty-first day of November in the year of our Lord one thousand eight hundred and thirty-five, being a part of the funds now also standing to the general credit of the three first mentioned causes, which had arisen from the rents, issues and profits of the said last mentioned houses and lands situate without the boundaries of the said town of Calcutta, but within those of the said Presidency at Fort William in Bengal, ought to be carried to the credit of a separate account to be opened in those consolidated causes entitled, "Account of the rents, issues and profits of the real and immoveable property of Major General Claude Martin, situate without the boundaries of the said town of Calcutta, and within the Presidency of Fort William in Bengal," and that the same, together with all future payments to the credit of the said accounts and accumulations of interest thereon, should remain to such credit to abide future claims in effect and substance reversed, as being inconsistent with and contradictory to the terms of the said Report, and order of His most Gracious Majesty, whereby it is directed, that the court shall decree that the houses, lands, and other real or immoveable property possessed by Major General Claude Martin, at the time of his death, and situate as well within the town of Calcutta, as beyond the boundaries thereof, but within the British territories, such as Chandernagore, passed by the said Testator's will and formed part of the general residue of the Testator's estate, declare that if having been by the said committee reported and recommended to His most Gracious Majesty that in lieu thereof it ought to be decreed and declared as herein next follows, and His said most Gracious Majesty having by his order aforesaid ordered, that such report and recommendation should be duly and punctually observed, complied with and carried into execution, this court doth hereby accordingly, in obedience to the said order of His most Gracious Majesty, order, decree and declare, that the houses, lands and other real or immoveable property possessed by Major General Claude Martin, the Testator in the Pleadings named, at the time of his death and situate as well within

the town of Calcutta as beyond the boundaries thereof, but within the British territories and not at Chandernagore passed by the said Testator's will and formed part of the general residue of the said Testator's estate.

Decree, that the sums now standing to the credit of the separate account headed Account of the rents and profits of houses situate within Calcutta, and the sums now standing to the credit of a separate account headed Account of the rents, issues and profits of the real and immoveable property of Major General Claude Martin, situate without the boundaries of the Town of Calcutta and within the presidency of Fort William in Bengal, together with all accumulations of interest thereon respectively up to the date of transfer, be immediately transferred to the general credit of these causes and decree the Accountant General and Sub-Treasurer of the East India Company, (with the privy of the Accountant-General of this court) to make such transfers accordingly. Decree, that the Master of this Honorable court do immediately proceed to advertize and sell the houses and lands next mentioned, that is to say a certain Upper-roomed House with four biggahs of land thereto adjoining and pertaining, situate in Flare Street in the Town of Calcutta, and also a certain other upperroomed House with three biggahs of land thereto adjoining and pertaining, situate at Tank Square in the Town of Calcutta. One house and the ground thereto belonging situate on the Circular Road near the said Town of Calcutta now in the occupation of Mrs. Frederick Lindsted. One other house and the ground thereto belonging, situate at Ghazee-pore, occupied by Mr. A. J. Dick. One other house and the ground thereto belonging, in a very dilapidated state, situate at Benaras, and an old godown and the ground thereto belonging, situate at Cawnpore, in the upper provinces, and that the proceeds of such sale be in like manner carried to the general credit of these causes.

Decree, that the receiver of this court, who is now in possession of the said several houses and lands, do continue in such possession until such sale is completed and confirmed, and conveyances thereof executed to the purchasers and orders for possession given the same, and that thereupon the said receiver do yield up possession to such purchasers respectively, and pass his accounts up to the date of giving up possession and therefore be discharged.

Decree that the said receiver do continue such possession as he now hath of the said house at Chandernagore aforesaid, pending the enquiry hereinafter next mentioned, and until further order shall be made on the termination thereof, and until such further order that the said receiver do and shall account and pay in the rents of the said house at Chandernagore as heretofore.

Decree, in obedience to and in pursuance of the order of His late Majesty aforesaid, that it be referred to the Master of this court to enquire and report, what houses, lands or other real or immoveable property situate at Chandernagore, was or were in the hands of the said testator at the time of his death, and what was the nature of the tenure thereof and the estate or interest if any, which the said testator had in the same, and what regulations or usages have prevailed at Chandernagore aforesaid, as to the right and power of European aliens to devise or bequeath by will any lands, houses or other real or unmoveable property of which they may be possessed at the time of their death at Chandernagore, and whether any lands, houses or other real or immoveable property situate at Chandernagore, which was or were in the hands of the said testator, Claude Martin, at the time of his death, hath or have been since sold and the proceeds of the sale paid into the hands of the Accountant General and Sub-Treasurer of the Hon'ble East India Company, (with the privy of the Accountant General of the said court) and of what part (if any)

of such lands, houses or real or immoveable property the receiver appointed by the said court is now in the receipt of the rents and profits, and what is the whole amount (if any) of the proceeds of any sales and of any rents or profits received of any such lands, houses or real or immoveable property at Chandernagore, together with the accumulations of interest thereon, which is now standing to the general credit of these causes.

Further decree and declare, that the said Judicial committee having further recommended that so much of the said decretal order of this court, dated the 23d February 1832, whereby it was "decreed and declared that this court is incompetent and unable by itself to give effect to the other bequests for charitable establishment and institutions at Lucknow, which is a place beyond the jurisdiction of this court, and not forming any part of the presidency of Fort William in Bengal but that the Governor-General in Council at Fort William in Bengal had the means and was able to give effect to the other bequests for charitable establishments and institutions at Lucknow, and that the same ought to be carried into effect and that it appeared by the report of the Master under an order made in these causes on the 25th July 1831, and which report was dated the 5th November 1831, that the said Governor-General in Council was willing to receive and apply such sums as the court might decide to be lawfully applicable for those purposes should be reversed without prejudice to any question as to the competency and ability of the said court, with any aid or by any means to give effect to such last mentioned bequests according to the will of the said Testator. And his most gracious Majesty having been pleased to comply with the said report and recommendation, and order the same punctually to be complied with, order, decree and declare, that so much of the said decree of 23d February 1832 as has been hereby last recited, is reversed accordingly, without prejudice as aforesaid to any question as to the competency and ability of this court to give effect to the bequest of the said Testator. Further decree and declare, that the said Judicial committee having also further recommended that as to such parts of the said decree of this court of the 23d February 1832, whereby it is "decreed and declared for as much as the said Testator Claude Martin, in and by the 33d article of his said will, had expressed his desire and intention, that in case it should be necessary the protection and assistance of the Government should be obtained for the purpose of giving effect to the said last mentioned bequests and Testamentary dispositions, that if the whole sum of sicca rupees 200,000 bequeathed in the 33d article of the said will of the Testator Claude Martin, for finishing of the house of Constantia had not been expended and applied for that purpose, whatever might remain thereof ought to be set apart from the funds now standing to the general credit of these causes and applied as a building and repairing fund for the house and establishment of Constantia, and ought for that purpose to be paid to the Governor-General in Council, or to some person duly nominated and appointed by the Governor-General in Council to receive the same, and out of the same funds standing to the general credit of these causes a further sum of Rs. 100,000 for the support of a College and School at Lucknow, bequeathed in the 33d article of the said will, together with accumulations of interest on the same, from the death of the said Testator until the setting apart of the same, ought also to be set apart, and the interest thereof from time to time, as the same should accrue and be received, ought to be paid to the Governor-General in Council for the time being or to such persons as he should duly nominate and appoint to receive the same, in order that the same might be applied for the purposes in the said 33d article of the said will mentioned, and that out of the funds standing to the general

credit of these causes the further sum of 3 lakhs of Rs. ought to be set apart, and the interest thereof paid to the Governor-General in Council or to such person or persons as the Governor-General in Council for the time being should nominate and appoint, in order that there might always be allowed and paid the salaries and allowances of the supervisors, servants and other attendants, and the persons to be employed in and about the tomb, buildings and establishment at Constantia" should be reversed, and that instead thereof it should be declared and decreed as herein next follows, that is to say, "if the whole sum of sicca rupees 200,000 bequeathed in the 3d Article of the said will of the said Testator, Claude Martin, for the finishing the house of Constantia hath not been expended for that purpose, whatever may remain thereof, ought to be set apart from the funds now standing to the general credit of the said causes, and carried to a separate account to be entitled "The building and repairing fund for the house and establishment at Constantia" subject to the further order of the Supreme Court and without prejudice to the final application of the same fund, under the directions hereinafter contained or otherwise. And that the said Supreme Court should give all necessary directions for that purpose, and that out of the same funds standing to the general credit of the said causes, a further sum of sicca rupees 100,000, being the amount bequeathed in the 33d Article of the said will, for the support of a college and school at Lucknow, together with accumulations of interest on the same, from the death of the said Testator until the setting apart of the same, be set apart and be carried to a separate account in the causes to be entitled "The Lucknow college and school fund," subject to the further order of the Supreme Court and without prejudice to any question, as to the final application of the same fund under the directions thereinafter contained, or otherwise, and that out of the funds standing to the general credit of the said causes, the further sum of three lakhs of rupees or so much thereof as the said court should find necessary, be also set apart without prejudice to any question as to the final application of so much of the interest thereof as is under the said will applicable to the maintenance of the charitable establishment at Lucknow, and subject to the further order of the Court; but in the mean time any monthly or periodical payments which shall have been directed by the Supreme Court to be paid out of such interest are to be continued." And His Most Gracious Majesty having, by his order aforesaid, ordered, that such last mentioned report and recommendation of the said Privy Council, should be duly and punctually complied with and carried into effect, this Court doth hereby accordingly, in obedience to the said order of His Most Gracious Majesty, order, decree and declare, that so much of the last decretal order in these causes made and pronounced, on the 10th day of May, 1836, as follows; that is to say "and this court doth further order, decree and declare, that a sum of sicca rupees one hundred and thirty-five thousand nine hundred and twenty-five and nine annas has been spent and laid out towards completing the house called Constantia House, out of the sum of sicca rupees two hundred thousand, which the said Testator by the thirty-third article of his will calculated might be required for that purpose; and that the balance of sicca rupees twenty-four thousand and seventy-four and seven annas, ought now to be set apart from the funds standing to the general credit of the three first mentioned causes and carried to the head of a separate account in these consolidated causes, entitled building and repairing fund of Constantia House and placed at the disposal of the Governor-General in Council, pursuant to decree of the twenty-third day of February one thousand eight hundred and thirty-two, and that in case the same and the funds hereinafter mentioned as required or the repairs of the said house, should not be sufficient for that purpose, that such further sum as shall be necessary to be paid out of the fund

to the general credit of these consolidated causes on the application of the Advocate-General of the East India Company on behalf of the Governor-General in Council. and this court doth further order, decree and declare, that from and out of the funds now standing to the general credit of the three first mentioned causes, a further sum of sicca rupees fifty-four thousand and eight hundred ought to be transferred to the said separate head of account and fund, entitled fund for repairing and furnishing Constantia House, and paid to the Governor-General in Council, or some person by him duly authorized to receive the same, in order that the works may be executed by Major C. J. C. Davidson, Major of Engineers, in the East India Company's service, or such person as the Governor-General in Council shall appoint. And this court both further order, decree and declare, that Jean Jacques Deverinne, junior, is a fit and proper person, due regard had to the wishes of the Testator, to fill the office of Superintendent of the said building, and promises that in case of his death, removal for misconduct or resignation, the Governor-General in Council ought to appoint all future superintendents, with due regard to the wishes of the said testator, as signified in his will; and that the care and superintendence of the said buildings can most conveniently, and with due observance of the wishes of the Testator, be exercised by the Governor-General in Council, shall also be, and the same is thereby and by the effect of the said order of council reversed and set aside, and instead thereof, this court both hereby order, decree and declare, that in pursuance of the report of the Master of this Hon'ble Court, bearing date the 21st day of Novr. 1835, and the facts therein found, a sum of sicca rupees one hundred and seventy five thousand nine hundred and twenty-five and nine annas has been spent and laid out towards completing the house called Constantia House, out of the sum of sicca rupees two hundred thousand, which the said Testator by the thirty third article of his will calculated might be required for that purpose, and that the balance of sicca rupees twenty-four thousand and seventy-four and seven annas ought now to be set apart from the funds standing to the General credit of the three first mentioned causes and carried to the head of a separate account in these consolidated causes, entitled, building and repairing fund of Constantia House, to remain subject to the further order of the court, and that in case the same and the funds hereinafter mentioned as required for the repairs of the said house should not be sufficient for that purpose, that such further sum as shall be necessary be payable and applicable out of the fund to the general credit of these consolidated causes, in such manner as the court shall hereafter order and decree, and this court doth further order, decree and declare, that from and out of the funds now standing to the general credit of the three first mentioned causes, a further sum of sicca rupees fifty-four thousand and eight hundred ought to be transferred to the said separate head of account and fund, entitled fund for repairing and finishing Constantia House and shall be applicable and payable in like manner to the purpose aforesaid under the order and direction of this Hon'ble court. And this court doth further order, decree and declare, that Jean Jacques Deverinne, junior, is a fit and proper person, due regard had to the wishes of the testator, to fill the office of superintendent of the said building, pending the enquiry necessary to carry into full effect the orders and directions of his Most Gracious Majesty in his Privy council aforesaid.

Further order, decree and declare, that in as much as by and under the decretal orders of the 23d February 1832 and 10th May 1836, the amount of the said sum of Sa. Rs. 100,000, being the amount bequeathed in the 33d article of the will of the testator, for the support of a college and school at Lucknow, together with accumulations of interest thereon, from the death of the said testator until the setting apart of the same was duly set

apart and carried to a separate account in these causes entitled, fund for the establishment of General Martin's school and college at Lucknow; the said sum so set apart shall remain under the same head of credit, pending the reference and enquiry hereby ordered in pursuance of the order of his most gracious Majesty in his Privy council aforesaid, relative to the appointment of trustees and the establishment of the said school and college. And whereas the said Judicial committee did further report and recommend as hereinafter next set forth, that is to say, "that it should be referred to the Master of the said court to enquire and report to the said court, whether it is in the power of the Governor-General in Council, at Fort William in Bengal, to aid trustees to be appointed by the said Supreme Court, so as to enable them to give effect according to the testator's will to the bequest respecting the charitable establishment and institution at Lucknow contained in the will of the said testator, and thereby directed to be attached to the establishment of Constantia House, or whether any other and what means through the medium of trustees exist for giving effect to such bequest, and that if it shall appear, that by the aid of the said Governor-General in Council or otherwise as aforesaid, effect can be given to the said bequest, some proper persons be appointed by the said Supreme court to be the trustees of the said charity, to whom the interest of the funds applicable for the support of such charity should be from time to time paid to be by them applied and administered under the superintendence of the said Supreme Court, in founding, establishing and keeping on foot the said charity; and that the Advocate General, the plaintiff in the first, and the defendant in the third of the above mentioned causes, should be at liberty to propose proper persons to be such trustees," which said report and recommendation His Most Gracious Majesty was also pleased to order should be duly complied with and punctually carried into effect. This court doth order, decree and declare, that it be referred to the Master to enquire and report, who would be fit and proper persons to be appointed trustees of the fund so set apart, for the maintenance of the said school and college at Lucknow, and of the following funds for charitable and other purposes at Lucknow created and carried to a separate head of credit by the decretal order of the tenth day of May, one thousand eight hundred thirty-six, viz. fund called the building and repairing fund of Constantia House, and of the fund, entitled fund for repairing and furnishing Constantia House and of the fund entitled, fund for the payment of pensioners at Lucknow, and of the fund entitled fund for the payment of the establishment at Constantia, pursuant to the thirty second article of General Martin's Will. And this court doth order, decree and declare that it is hereby referred to the Master to enquire and report, whether it is in the power of the Governor-General in council at Fort William in Bengal, to aid trustees to be appointed by this court so as to enable them to give effect according to the Testator's will to the bequest respecting the charitable establishment and institution at Lucknow contained in the will of the said testator, and thereby directed to be attached to the Establishment of Constantia House, or whether any other and what means, through the medium of trustees, exist for giving effect to such bequest; and that if it shall appear that by the aid to the said Governor General in council or otherwise as aforesaid, effect can be given to the said bequest some proper persons be appointed by this court to be the Trustees of the said charity, to whom the interest of funds applicable for the support of such charity should be from time to time paid to be by them applied and administered under the superintendence of this court in founding, establishing and keeping on foot the said charity, and that the Advocate General the plaintiff in the first and the defendant in the third of the abovementioned causes, shall be at liberty to propose persons to be such trustees to be reported upon by the Master. And the court doth order, decree



and declare, that by the effect, of the said order of His Most Gracious Majesty in His Privy Council aforesaid, so much of the residue of the said decretal order of the 10th day of May 1836, whereby "it was ordered and decreed by and with the assent of the Advocate General of the East India Company on behalf of the Governor-General in Council, that the Accountant-General of this court do monthly issue a certificate authorizing the Accountant-General and Sub-treasurer of the East India Company, (with the privity of the Accountant-General of this court) to pay to the Resident for the time being of the East India Company's Government of Lucknow, the monthly pensions due to the pensioners at Lucknow, pursuant to the will of the said Testator. And whereby it was further ordered, decreed and declared, that the said Accountant-General of this court should be authorized to stop the payment of the said monthly pensions until further orders, unless a half yearly memorandum or account of the sums paid should be furnished to him by the said resident; and whereby it was further ordered, decreed and declared, that the Accountant-General of this court for the time being on receiving intimation thereof from the said resident or other good and credible information, should be authorized to notify to this court as the same may occur, the death of the said pensioners at Lucknow, and thereupon to apply for and obtain an order authorizing the transfer from the separate fund for the payment of pensioners at Lucknow, created by and under an order duly confirming the said amended separate report of the Master made and filed on the fifteenth day of August one thousand eight hundred and thirty-five back again to the fund at the general credit of these consolidated causes of so much as was required to pay the pension of the deceased person, has been set aside and reversed, rendered void and of no effect, but that inasmuch as the stoppage of the payment of the pensions and salaries has heretofore occasioned, and may again occasion great temporary hardship and inconvenience, the provisions of the said decree last mentioned ought to be acted upon, pending the enquiry hereinbefore ordered, pursuant to the said order of His late Most Gracious Majesty in his Privy Council aforesaid, and until the termination thereof shall enable the court to transfer and pay to proper persons the principal of the said several funds so created for payment of the sums required to be disbursed at Lucknow, or to give other and fit directions in the premises. And this court doth further decree and declare, that the residue of the said decretal orders of 23d February 1835 and of the 10th day of May 1836, being in effect not only consistent with, but an actual performance of, various injunctions of the said order of His Most Gracious Majesty in his Privy Council aforesaid, ought to be and are hereby confirmed and established. And whereas the said Privy Council did report and recommend to His Most Gracious Majesty, and His Most Gracious Majesty did order, that the said report and recommendation herein next mentioned should be punctually complied with, decree and order, that the costs of this appeal as between solicitor and client of the said Mayor of the city of Lyons, Christopher Martin, Marie, Desgranges Martin, Pierre Ballofett and Claudine his wife, and Francois Martin amounting to the sum of thousand three hundred and nine pounds, two shillings and eleven pence sterling, and of the East India Company amounting to the sum of three thousand six hundred and forty five pounds sterling, subject nevertheless, to the deduction of such sum or sums of money (if any) as may have been respectively received on account of such costs under His Majesty's Order in Council in this appeal of the 23d of April 1835 be paid out of the funds standing to the General credit of these causes in manner following, (that is to say) the costs of the said Mayor of Lyons, Christopher Martin, Marie Desgranges Martin, Pierre Ballofett, and Claudine his wife, and Francois Martin to Messrs. Henry Young and John Jackson their solicitors and the costs of the East India Company to Edward

Lawford, Esq., their solicitor decree and Order payment of costs in this court as between attorney and client of all parties to these suits being first duly taxed up to and including this decree.

JANUARY 8, 1838.

Before Sir E. Ryan, Knt., and Sir. P. Grant, Knt. Judges.

This being the first day of the first term of 1838, the Judges opened the Court at about quarter after 11 o'clock A.M. On the opening of the court, a great many motions of course were made and disposed; the undermentioned one being of some interest we have inserted it.

In the case of Captain R. A. McNaghten *versus* Mr. Tandy, the Editor of the *Agra Ukhbar*, for a Libel.

The Advocate General in this case made a motion, that a rule be granted by this court for an order of substitution of service in this case, on the affidavit of Mr. J. S. Judge, the plaintiff's attorney. He said it appeared, that Mr. W. D. Shaw, Attorney at Law, had in a communication with Mr. Judge, given him to understand that he had been engaged as the defendant's attorney in this case, and Mr. Judge after vainly endeavouring in a lengthy correspondence with Mr. Shaw, to prevail on him to enter appearance on behalf of the defendant, enclosed a summons in a letter to Mr. Tandy, who, it is understood, generally resides at Agra, and sent it to him by dawk, requesting him on the receipt of the enclosed summons to acknowledge its receipt and to enter appearance as defendant in this action against him. To this letter Mr. Tandy returned no reply. Mr. Judge then despatched a bailiff from Calcutta by dawk to Agra to serve the summons on Mr. Tandy, but when the bailiff arrived at Agra, it appears that Mr. Tandy had left that city and proceeded to Allyghur, a town not very far from Agra, and the bailiff was willing to proceed from Agra to Allyghur provided his expenses were paid him. To this advance there existed no objection, but the consideration that when the bailiff reached Allyghur, it might so happen that the defendant might have proceeded from thence elsewhere, and thus the bailiff might be eternally pursuing Mr. Tandy with the writ and never be able to serve it on him; or Mr. Tandy might quit the jurisdiction of this court and thus baffle the plaintiff, who has come down to Calcutta on leave to explain some circumstances connected with this case, which as this libel materially affects his character, he felt himself bound to do, and unless this order herein solicited be granted by the court, the probability is that the defendant will avoid the service of this writ until the period of the plaintiff's leave expires. True it is that the plaintiff might apply for an extension of leave, and perhaps the Commander-in-Chief might grant it: but how long could the plaintiff remain absent from his regiment without detriment to the service, to meet the wishes of Mr. Tandy. The Advocate General hereon added that he understood that Mr. Tandy is connected with a paper called the *Agra Ukhbar*, in which he has stated his readiness to meet the plaintiff in this court, and defend this action, and ascribed the delay to him. If so, why does he not abide by his word and enter his appearance on this summons.

The Chief Justice here observed to the Advocate-General, that his allusion as to what has appeared in the *Agra Ukhbar* on this subject, could not be admitted in evidence, however ingeniously he might have introduced it.

The Advocate General replied, that he was aware of that. He likewise knew that he could enter a return of non-inventus to the Sheriff's writ and thus enter up an

*ex-parte* judgment, but as the libel materially affected the plaintiff's character he wished to be personally present in court, and have the writ served on the defendant, to enable the case to be heard, and his character vindicated in open court. The plaintiff did not seek to recover damages, no money would satisfy him: all he sought was a full hearing of his case if not an *ex-parte* judgment.

The Chief Justice observed, that even if the order prayed for were granted yet even then the plaintiff could not prevent the defendant giving him an *ex-parte* decree, if he felt disposed to do so, for he might not appear to defend, or let judgment go by default.

The Advocate General said that was true, but that it would show that his client had made every effort to have the matter elucidated. He then said that there was nothing extraordinary in this application, for if he remembered ought in an action in a former term, the Court had granted an order to subpoena the witnesses to the signature of some female witnesses in the case, on whom the subpoenas could not be served, and thus the writ was served by substitution, as likewise in the case of Mudden Mohon Mitter, where one of the parties lived out of the jurisdiction of this court, a writ of substitution was granted.

The Advocate-General then read the affidavit of Mr. Judge and begged that an order be granted for the service of the summons in this case by substitution by serving a summons on Mr. W. D. Shaw, who has stated himself to be the defendant's attorney, and who has a warrant for his appearance in this action, which the defendant has not as yet filed in court, and that an official copy of the said summons be sent by dawk from the Sheriff's office to the address of Mr. Tandy at Agra and another at Allighur, and that this be admitted as good service by substitution.

The Chief Justice replied, that he recollected that this motion had been made before him in Chambers shortly before this term, and he had refused the application as being irregular with leave to the plaintiff to move it during this term if he wished to do so: he then added that the court was still of opinion that this application cannot be granted. Mr. Tandy is a British subject living within the jurisdiction of this court, and if the Sheriff cannot serve the writ on him let him make a return of *noninventus* and the case can be heard and decreed *ex-parte*. With regard to a native who lives at Benares or elsewhere and has a gomastah in Calcutta through whose agency he may contract debt in Calcutta, the court has allowed a service of a writ by substitution on the gomastah to be good service, but if the court were to allow the same on this application, suits might be entered against British subjects and *ex-parte* decrees obtained without their ever knowing any thing about it. The application was refused accordingly.

The Judge, after all the motions were disposed of, said, that the court would pronounce judgment in this term on the suits of *Ousely versus Dwarkanath Tagore*, and *Cockerell versus Dickens*, and that it would hear the argument in the case of *Turton versus Mangles*.

After this the court adjourned at a quarter after 12 o'clock till 11 o'clock A. M. to-morrow.—*Hurkaru*, January, 9.

JANUARY 9, 1838.

Before Sir E. Ryan, Knt., and Sir S. P. Grant, Knt.

IN THE GOODS AND CHATELS OF MRS. S. E. FLOODED. DECEASED.

The Advocate General made a motion to examine an attesting witness to the will of the deceased, to enable his client to take out letters of administration to the

deceased's estate on behalf of Mr. Parlybean, the Executor to the will.

The application was granted, and J. C. Mathews deposed, that he had known the deceased about two months previous to her demise. When she signed the will she was perfectly sensible, and when she died she was about forty-two years of age. She had a son, he is alive and might be about twenty years of age. The deceased was on bad terms with the son; and the son did not live in the same house with her, nor was he present when the will was signed. He learnt of it shortly after her demise. Deponent does not know how the son supports himself. Deponent is acquainted with a person named Parlybean; he was the person who introduced deponent to the deceased. Deponent does not know whether connexion existed between Parlybean and the deceased, but they lived on very intimate terms. The other attesting witness to the will is a person named Langdon. This will was drawn up by Mr. Hudson, the Attorney at law, by the desire of Mr. Parlybean, and he desired deponent and Mr. Langdon to witness its signature. When the deceased signed the will Mr. Hudson was not present. Deceased was then very ill; her complaint was an abscess of the liver, and she died on the 5th of December 1836, four days after she had signed the will, by the bursting of the abscess. She died perfectly sensibly. Deponent read and explained the will to her both before and after she had signed it, and she was aware that in executing the will she had disinherited her son. She died leaving about Rs. 1,000 property. She died at Kidderpoor. When she signed the will she gave no reason for having disinherited her son. She was desired to sign the will by Parlybean, and she first wrote his name opposite the seal in the will. Deponent then informed her, that in signing her will, she should write her name and not Parlybean's, and then she wrote her name. Deponent cannot conjecture why a woman who was sensible would make so great a mistake as to sign another person's name to her will. Deponent cannot say at what time the deceased's son came to the knowledge of this will—whether before or after the deceased's death, for he was not present when it was signed. Whether the property which the deceased has thus willed away was given to her by the father of her son or otherwise accrued, deponent does not know. Deponent does not know whether Mr. Hudson ever did any other business for the deceased besides this. The deceased was a woman of color.

The Advocate-General wished to have the other attesting witnesses subpoenaed and examined.

The Chief Justice replied, that he could do so, but he must cite the hearing at law and have the will proved and allow the opposite party the chance of cross examining the evidence. This application, he added, had been previously made in Chambers before Sir J. P. Grant, who refused granting the probate on the grounds already mentioned and give the applicant his choice of re-mooting the point in this term.

The Advocate General said, that he believed that his client would not be able to offer any further evidence than what has already been given, even by the examination of the other attesting witness to it, he therefore prayed the court to return the will to him.

The Chief Justice, after consulting Sir J. P. Grant, said that the Judges could not redeliver up the will after it had been filed in the court. It will be filed in the Registrar's Office for his report on it. If the will is a true will it ought to be filed in this court, and if it is a false will, it ought to be suppressed.

IN THE MATTER OF DWARKANATH TAGORE *versus* R. SWINH-  
HOE, ATTORNEY AT LAW.

The Advocate-General made a motion on behalf of Dwarkanath Tagore, Esq. v. Robert Swinhoe, Attorney at Law, to make the latter show cause why he should not redeliver, W. N. Hedger, Esq. Attorney at Law, certain papers which Mr. Hedger had entrusted to him, on his written receipt to redeliver them to Mr. Hedger whenever Mr. Hedger may require them. Here the learned counsel read the receipt of Mr. Swinhoe to the Judge. He then said that in detailing the particulars of the transaction out of which this application originated, he would be as concise as possible.

He then stated, that a person named Mahomud Ajeeb, died some years ago at Hooghly, leaving a Talook there called Dwar-Bhasnee between his sons and daughters, and appointed Sheikh Assoollah, his eldest son, his executor, who accordingly administered to the state. Sheikh Assoollah on the 2nd April 1834, mortgaged this Talook to Agah Manomed Curbullye, a merchant of Calcutta. It was covenanted in this mortgage, that the mortgagee was to pay on the 28th January 1835 to the mortgager Rs. 4,000 with the interest of the bond up to that date, and the like amount yearly until the whole mortgage was liquidated, and in the event of his failing to fulfil this part of the agreement, it was provided that the mortgager might at once enter into the possession of this estate and foreclose the mortgage. Subsequently Sheikh Assoollah contracted a heavy debt to the firm of Messrs. Carr, Tagore and Co., he likewise failed to pay the instalments on the mortgage as they became due, and when the mortgager was about to foreclose the mortgage and enter into possession of the estate, Messrs. Carr, Tagore and Co., having obtained information of this proceeding, became alarmed for the recovery of the money which Sheikh Assoollah owed their firm, and after consulting their attorney, Mr. Hedger, on the subject, they directed him to get an assignment of the talook made over to them, on their advancing Sheikh Assoollah 17,968 rupees, the amount due with interest on the mortgage, to enable him to redeem it. This was done on the 19th May 1836, and in May 1837, Messrs. Carr, Tagore and Co. further paid the amount of the arrears of rent to due by the estate to Government, to prevent the collector seizing and letting it, for Sheikh Assoollah had let them get into arrears for a long time, and was indifferent on this point. There is a person named Rajchunder Mookerjee, who is a constituent of Messrs. Carr, Tagore and Co. and had a large sum of money invested in their hands. He consulted Baboo Dwarkanath Tagore, as to the best mode of investing this sum and Baboo Dwarkanath Tagore advised him to invest it in landed property. Subsequently by the mediation of Baboo Dwarkanath Tagore, an agreement was entered into between Sheikh Assoollah to sell this Talook to Baboo Rajchunder Mookerjee for 1,35,000 rupees, and it was further covenanted between Baboo Dwarkanath Tagore and Sheikh Assoollah, that the latter was to purchase Baboo Dwarkanath Tagore's house in Esplanade Row, for 40,000 rupees, which sum was to be paid to Baboo Dwarkanath Tagore out of the purchase money of Sheikh Assoollah's Talook to Baboo Rajchunder Mookerjee.

In consequence of this arrangement, a draft was sent by Mr. Hedger, as the attorney of the purchaser, to Mr. R. Swinhoe, the attorney of Sheikh Assoollah, for the amount of the mortgage. Mr. Swinhoe, in reply, wrote back that the sum was insufficient; he likewise wrote to Mr. Hedger to send him the title deeds of Baboo Dwarkanath Tagore's house in Esplanade Row for inspection, and Mr. Hedger accordingly sent them to Mr. Swinhoe, who then gave the receipt which counsel had already read in court. On the 13th June last, these negotiations were interrupted, but on the 14th of

the same month, Sheikh Assoollah, called upon Mr. Hedger at his office, and prevailed upon him to accompany him to the office of Messrs. Carr, Tagore and Co. and shew them the negotiations for the sale of this Talook to Baboo Raj Chunder Mookerjee for Rs. 13,000 were renewed, as likewise the agreement for Sheikh Assoollah, purchasing Baboo Dwarkanath Tagore's house in Esplanade Row, for Rs. 40,000 in conformity with this agreement, Baboo Dwarkanath Tagore delivered to Mr. Hedger, his attorney, a signed assignment of his house in Esplanade Row, to Sheikh Assoollah, with instructions to deliver it to Mr. R. Swinhoe, Sheikh Assoollah's attorney, whenever Sheikh Assoollah would put into his hand the assignment of his talook to Baboo Raj Chunder Mookerjee, signed by him and his brothers and sisters and witnessed by the husbands of his sister, Baboo Raj Chunder not deeming it safe to purchase the talook on any other conditions. On the 31st July last, Mr. Hedger, Mr. Paul, Baboo Dwarkanath Tagore and others, attended to execute and witness the executions of the assignments they were respectively to make to each other. On that occasion Mr. Paul, who is an Attorney of this court, brought to the notice of Baboo Dwarkanath Tagore several objections to the assignment made by Sheikh Assoollah to Baboo Raj Chunder Mookerjee. They were these. First, that although the sisters of Sheikh Assoollah had signed the assignment, yet the husbands of none of them had witnessed it. Secondly, that there were several judgments of this court pending for large amounts against Sheikh Assoollah, and his father Mohamed Ajeeb, and thirdly, that there were heavy arrears of rent due by the estate to Government, and lastly, that the share of Mohamed Ajeeb in the Talook of Dooar Bhasnee in Zillah Hooghly was only 11 annas in the rupee and not 12 annas as the assignment had stated it to be.

This last objection, putting aside the others, was in itself a fatal one to the fulfilment of the purchase by Baboo Raj Chunder Mookerjee of this estate; he therefore discontinued the negotiations and declined to purchase it. After these negotiations were broken, Mr. Hedger wrote to Mr. R. Swinhoe on behalf of his client, Baboo Dwarkanath Tagore, to return to him the title deeds of his client's house in Esplanade Row, which had been entrusted to him by Mr. Hedger for inspection, on his promise to return them whenever Mr. Hedger may require them. Mr. Swinhoe then replied, that if Mr. Hedger could succeed by obtaining an order nisi from the Supreme Court to compel him to deliver up these papers he would do so and not otherwise; for he considered the agreement for the sale of the house and the sale of his client's talook to be in force and binding on the contracting parties, and he therefore would keep the papers in his custody on behalf of his client Sheikh Assoollah, nor could he consider himself justified, if he were to return them to Mr. Hedger on his simple application to him for them, under the existing circumstances of the case. He further intimated that it was his client's intention to file a bill in Equity against Baboo Rajchunder Mookerjee and Baboo Dwarkanath Tagore, to compel the former to purchase the Talook of Dooar Bhasnee for 1,30,000 rupees, and the latter to sell the house in Esplanade Row for 40,000 rupees to him.

The learned Counsel then argued, that this was a case in which there was no necessity for his client to bring an action against Mr. R. Swinhoe for Trover. In this case he submitted, that if this court had the power they ought to interfere summarily and grant an order nisi for Mr. R. Swinhoe, (who has unwarrantably taken upon himself the office of a judge between his client and Baboo Dwarkanath Tagore, and illegally detained the title deeds of his house, which were entrusted to him (on his written promise to deliver them up to Mr. Hedger whenever he may require them,) to show cause why he detains these papers, and that the court can and

has the power to interfere, he submitted, will be proved to the court's satisfaction by a reference to the 3d vol. of Term cases, page 275, in the case of *Hughes versus Muir*, in which the application was granted, and which case is analogous to this case in *Strange's Trail's* vol. 1st p. — in the case of *Strong vs. Home*, which likewise was similar to this case and had the application granted.

With regard to the case of *Sutton vs. Datter* in the same volume, the Advocate-General contended that it differed materially from the present case. Then the Attorney received the documents from his client and therefore refused to deliver them up to any other persons. In this case counsel argued there was an anomaly at law, for Mr. R. Swinhoe was illegally detaining Baboo Dwarkanath's title deeds on which he fancies his client has a lien, whilst Asood Ollah, his client, is in possession of the Talook, and not only enjoying the rents of it, but likewise annually depreciating the value of the Talook and thus injuring the mortgagee's interest in it by letting the Government rent accumulate. With regard to Mr. Swinhoe's assertion that he would deliver up to Mr. Hedger the title deeds of Baboo Dwarkanath's house in Esplanade Row, whenever Mr. Hedger would deliver up to Mr. R. Swinhoe the title deeds of Sheikh Asood Ollah's Talook of Dooar Bashnee, he begged to remark that the parties stood in a very different position; for Mr. Hedger's client by having advanced a large sum, had a lien on the title deeds of the Talook whereas there was no such lien on the title deeds of his client's house, and therefore their detention could not be justified.

The Chief Justice, after having ascertained, on enquiry from the attorney of Sheikh Asood Ollah, that no bill had been as yet filed by his client in the equity side of this court, to compel the parties to abide by their several contracts, informed the Advocate-General, that he differed very widely from him with regard to Mr. R. Swinhoe's client not having a lien on the title deeds of Baboo Dwarkanath Tagore's house in Esplanade Row, especially after the Baboo had signed an a-signment of it to Mr. R. Swinhoe's client. With regard to the cases of *Hughes vs. Muir* and *Strong vs. Home*, they differed in some respects from this case, and in the former Lord Kenyon, the judge who granted the application for a rule of *nisi*, gave a very qualified order. Had there been no contract for sale of the house, and had not Baboo Dwarkanath Tagore signed an a-signment of it, the court might then have taken the matter of a summary interference into their consideration; but as it is, the court would be deciding on a simple application backed by an affidavit the proceedings of an Equity case, and were Mr. Swinhoe's client thereafter to institute a suit in Equity against him for the possession of these title deeds, the order of the court would not be a sufficient reply on behalf of R. Swinhoe to that suit. Had the case been one where an attorney received the papers in trust from his client, and refused to deliver them up to him, the court might have granted a rule *nisi* on a simple application for the attorney to show cause; but in the present instance they must refuse the application.

Sir J. P. Grant, after remarking that he coincided with the Chief Justice in his view of the case, added that the court is bound to see, and will see, that the attorneys, attached to it, do not abuse the trust confided in them; that there was a trust confided in Mr. Swinhoe, when he received these title deeds, there is not the slightest doubt; but it is a question that after Baboo Dwarkanath had made an agreement of the house to Mr. R. Swinhoe's client, and then afterwards refuse to abide by it, in consequence of Baboo Rajchunder Mookerjee declining to purchase his client's talook, whether it become imperative in him to consider that trust reposed in him to be in favor of his client, or Mr. Hedger. Mr. Swinhoe naturally considered it to be in favor of his client, and such is the view this court at present is inclined to take of it; therefore the application of the

Advocate-General for a rule *nisi* for Mr. R. Swinhoe to show cause why he detains these papers cannot be granted. The application was then refused.

After this motion was made for the examination of a witness to prove the will of one of the Bysacks, which was granted, and the witness examined by Mr. Pearson. After the motions had been disposed of, the Chief Justice enquired, and ascertained from Mr. Dickens, that there was one case set down for hearing on the equity board. The court then adjourned till 11 o'clock A. M. to-morrow. — *Hurkaru*, January 10.

JANUARY 11, 1838.

Before the Chief Justice.

Mr. L. Clarke made a motion on behalf of a person named Bhowanychurn Roy. He said that this person had been in the March Sessions of 1828 tried and convicted for forgery, and sentenced to be transported to the S. E. Coast of Martaban for seven years. The period of his sentence having expired, he returned to Calcutta in December last. It appears that at the time he was arrested by the Police Office there were Bank of Bengal notes to the amount of Sa. Rs. 3,256 found on his person and 60 gold mohurs in specie. The notes the counsel has been informed are deposited in the custody of this court and the gold-mohurs in that of the Police Office. Counsel therefore prayed the court that the court would pass an order for the restitution of these notes and gold-mohurs to the said Bhowanychurn Roy.

The Judge replied the court would institute an enquiry regarding the Bank notes said to be deposited in this court, and having ascertained the result of the investigation pass an order regarding them; but with regard to the gold-mohurs said to be lodged in the Police Office, the Judge informed the counsel that this court would pass no order about them as yet, and counsel had better advise his client to make an application regarding them to the Police Magistrates, who no doubt would pass an order on his petition.

The learned Counsel observed, that all that his client required was an order regarding the notes deposited in the Supreme court—he believed there would be no difficulty regarding the coins at the Police Office.

Mr. Edward Black took the usual oaths to-day, and was admitted as an attorney on the rolls of this court.

Mr. C. R. Princep made an application to prove a will by the evidence of one of the attesting witnesses to it, who he said was in court. Council observed that in this case the deceased, after he had executed the will and shortly previous to his demise, had in the presence of the attesting witnesses to it, erased the names of two of the legatees mentioned in it, and had thereby, to its prejudice, left the whole estate under the sole control of the executor to the will.

The Judge observed, that under the circumstances mentioned by the counsel in behalf of this application, he would decline to examine only one witness, and desired council to have both the attesting witnesses in court by Monday next, when they could be examined and the will proved.

The case of *T. E. M. Tutton vs. R. D. Manglu*, was likewise fixed for hearing on Monday next.

After this a few more motions of no great importance were made and the court adjourned till 11 o'clock A. M. to-morrow. — *Hurkaru*, January 12.

JANUARY 16, 1838.

(Before Sir J. P. Grant, Knt.)

In the matter of Hingun Khan and others ? Bebee Ameerun and others.

Mr. Leith made a motion in this case on behalf of Mr. Thompson, an Attorney of this court, to be exempted from acting further as complainant's attorney in this suit on an affidavit of Mr. Thompson.

The affidavit stated, that deponent had been engaged by Hingun Khan, who had represented himself to be the agent of Rosher Beebee and others. Deponent could not obtain any advance of costs from Hingun Khan, who is already indebted to deponent for office fees in this suit, is further more in jail, for costs due to Beebee Ameerun. Hingun Khan has subsequent to his confinement, applied to this court to be permitted to carry on his cause *forma pauperis*, and this application has been granted, and deponent, is willing to resign the sole management of it to pauper's attorney; and counsel moved that a rule nisi be granted in the case to serve a notice by substitution on Hingun Khan in jail, to inform him of this deponent's discontinuance as attorney in this case.

The Judge replied, that the applicant must first endeavour to serve the rule nisi on the principal clients in this case, and if he does not know where they reside, he must endeavour to find out the name of the village, and if it is a large village the street in which these parties reside; and after he has done his utmost to serve the order on them and failed, then he may apply for a substitution of service.

The counsel replied, that the parties resided in the village of Belloor, in the Zillah of Khanpoor, a great distance from here, and that they were strangers to Mr. Thompson. Further, it would cost Mr. Thompson 3 or 400 rupees to serve this order, even if he succeeded in serving it, which he doubted, and Mr. Thompson was already a sufferer in this case, and could not afford to suffer a further loss.

The judge replied, that he had given his order and he would not alter it.

On a motion made by the Advocate-General, Mr. William Adam, was sworn in to-day as Officiating commissioner of the Court of Requests, in the room of C. W. Bietzcke, Esq., chief commissioner of that court, now absent on leave.

The case of Turton v. Mangles has been fixed for hearing on Thursday next the 18th instant.

After this a few other unimportant motions were made and disposed of, and the court adjourned till 11 o'clock A. M. to-morrow morning.—*Hurkaru*, Jan. 17.

JANUARY 18 1838.

*John Moore v. Thomas Driver.*

Mr. Advocate General moved for a rule to show cause why the trial of this case should not be postponed, on the ground of the absence of Mr. Crawford, whose evidence is material for the defence. The plaint was filed on the 13th instant, and Mr. Crawford sailed for the Isle of France nine days ago, from whence he is expected to return in a short time.—*Rule nisi*.

*E. K. Hume v. Stephens and others.*

Mr. Clarke moved on notice on the part of the complainant, that the receiver appointed in this cause be at liberty to cancel the lease of the real estate of Mary

Hume, deceased, made by him to the complainant; and that it be referred to the Master to enquire and report whether the complainant ought to pay to the receiver any, and if any, what rent for the estate since the 12th of October 1836, and in what manner such rent should be apportioned between the complainant and defendants. The learned counsel moved on the affidavit of Mr. Butcher, the constituted attorney of Mr. Hume, which set forth, that on the 28th of June 1836, the receiver granted a lease of the real estate to the complainant for the term of three years from the 12th of April the same year, he the complainant agreeing to pay for the first year rupees 21,000 and for the second and third year rupees 27,000. Previous to the appointment by the court of a receiver, Mr. Thomas Bird and Mr. J. C. Sarkies had been appointed by Mr. Cracroft, who was then judge of Dacca, guardians of the persons and the estates of the children of Stephens, one of the defendants. This appointment by Mr. Cracroft was confirmed by the court of Sudder Dewanny Adawlut, but afterwards Mr. Sarkies was discharged from the guardianship. In September 1835, an injunction was granted by this court, enjoining the defendants and Mr. Bird to desist from collecting and getting in the rents. Nevertheless they did not desist, and the receiver appointed by the court, has never been able to put the complainant into possession. Under these circumstances, Mr. Hume is desirous that the lease granted to him by the receiver appointed by the court should be cancelled, and that it be referred to the Master in the terms of the order.

Mr. Leith, on behalf of the infant defendants, showed cause against the application, on the grounds that Mr. Hume as lessee under a formal legal lease, had no right to intervene in this suit to seek a reference to the Master, to reduce the amount which he had covenanted to pay by his lease, and try on the equity side of the court, his legal liabilities and the receiver's legal rights against him. The learned counsel stated, that his clients were interested in opposing any deduction of the amount of the rent agreed to be paid by Mr. Hume, as they were entitled to a moiety of it, and could not consent to a reference to the Master which would entail considerable expense. He asked that the motion should be discharged with costs against Mr. Hume.

The court discharged the motion with costs, reserving liberty to Mr. Hume to renew his application on the same grounds if the receiver's consent can be obtained.

*T. E. M. Turton, v. F. and C. E. Mangles.*

This was an argument on the plea filed by the defendants.

Mr. Prinsep, with whom was Mr. Sandes, opening the plea, which set forth, that by an order made by the Recorder in the Mayor's court of the city of London, the 10th March 1836, in a cause then pending, wherein defendants were the plaintiffs and complainant defendant, it was ordered that all matters in difference be referred to arbitration. It was also agreed that plaintiffs and defendants should not bring any bill in equity against each other. On the 18th April 1836, the arbitrators published their award, adjudging that all proceedings in the cause should cease, and that the complainant should pay to the defendants £362-6-5, in full of all demands. The complainant before filing his bill in this court, did pay by his agents, the amount thus awarded. The subject of the suit was included in the reference, and was taken into consideration by the arbitrators. The learned counsel stated, that the action at law arose out of advances made in London by defendants to Captain Gillet of the ship *Ernand*, of which vessel Mr. Turton was the owner. It was agreed to refer disputes to arbitration, and the award was made in London as pleaded. In the mean time before this adjustment was known,

complainant filed his bill in the Supreme Court, Calcutta. The award has been paid.

The Advocate General and Mr. Clarke were heard in support of the bill.

But the court allowed the plea, and dismissed the bill, each party to pay his own costs.—*Englishman*, Jan. 19.

JANUARY 19, 1838.

*Lucknairin Moorkeetjee v. Paul E. Roussac.*

In this case the plaintiff is or was banian to the firm of Roussac, Brothers in this town; defendant is not a member of that firm, but was employed to manage their firm during the absence of the partner in France. During this period he borrowed from the plaintiff sums of money, or government paper, on which sums of money were raised, of rupees 4,900, rupees 6,000, rupees 800, and on the 8th of March last, rupees 3,000, in all about rupees 10,000. For this he gave his promissory notes and undertaking to return the paper. The last note had been endorsed over to a third party, who on its non-payment, brought his action against the plaintiff and recovered damages and costs, both of which were paid. The present action was brought to recover the sums of money abovementioned, and also the costs of the action against the plaintiff.

Mr. Clarke for the defendant, admitted that all the sums were proved, save one for 800 rupees, of which the only evidence was that of a sircar, who placed the amount to defendant's debit, by direction of the plaintiff, in a Bengalli account book. The defendant, however, pleaded a set off, to have deducted and allowed to him from the plaintiff's claims, a sum of rupees 3,500.

It appeared in evidence, that one of the bills, drawn by defendant, accepted by plaintiff, had been discounted by the Bank of Bengal. On this note an action was brought by the Bank, and in its progress the parties assembled at the chambers of Mr. Sandes, the Bank's solicitor where, it was sworn a check on the Union Bank was given by defendant to plaintiff, payable to Moischunder Bonnorjee, the plaintiff's nephew. Moischunder was instructed by his uncle to take the money to Mr. Sandes. The trial turned entirely on this, whether the amount of the check was paid by the defendant, on account of the firm of Roussac, Brothers, or on his own account.

The court allowed the set off, and gave a verdict for the amount, claimed, less rupees 3,500.

For the plaintiff, the Advocate General and Mr. Sandes. For the defendant, Mr. Clarke and Mr. Barwell.

*H. Kyte. v. Hulodhur Day and others.*

Mr. Cochrane, on the part of complainant, moved for an injunction to restrain two of the above defendants from receiving, and the sheriff from prying over a sum of rupees 1348, in the hand of the latter levy, seized in an action, in which one of the defendants on the plea side of the court was plaintiff, and Henry Kyte the defendant, under a writ of *fiert facias*. The grounds on which the learned counsel moved were certificate of bill filled, an affidavit of plaintiff that Hulodhur Day was the father of the two other defendants, and had been retained by Kyte in superintending a coach building concern of his, on an understanding that he was to receive five per cent. on all business brought by him to the yard.—That Hulodhur had received from Kyte three notes of hand, one of rupees 400, one for rupees 500, and another for rupees 1,100;—that on these he premised to obtain money

and pay the full amount into complainant's hand;—that in place of so doing he had received bills to the amount of rupees 3,000, of which it was believed he had recovered the full amount, but had not paid over any part of the same, or of any part of the notes granted to him and his sons. That Hulodhur had left the service of the complainant and had, in the names of his three sons, filed three distinct actions on the notes given as before stated. In the one, complainant being arrested, paid the money. In another, Hulodhur had obtained an *ex parte* judgment, and under an execution seized the sum sought to be detained in court by the injunction;—that on the third action he had also obtained an *ex parte* judgment and was proceeding to execution. It was stated to obtain a rule nisi (the late Rule of court requiring that all motions for injunction should be on notice) that the money in the hands of the Sheriff was payable to day, and that it was the belief of complainant if it passed into defendant's hands, they would abscond out of the jurisdiction, and the complainant would lose his money, and be without remedy, neither of the defendants having property and the defendant Hulodhur having taken the benefit of the Insolvent Act.

The Court said the motion must be on notice, which would restrain parties from taking the money until motion heard. That the affidavit did not state the irreparable injury contemplated by the rule which formed the exception, and that they could not grant the application but on notice which might be given at once.—*Englishman*, January 20.

JANUARY 23, 1838.

*John Moore v. Thomas Driver.*

This was an order nisi, obtained on a former day, calling on the plaintiff to shew cause why this trial should not be postponed.

Mr. Advocate General now moved the rule absolute.

Mr. Prinsep shewed cause, insisting that the defendant's grounds were not sufficient; that they were vague and unsatisfactory, merely stating the absence of Mr. Crawford, who, it is alleged, has paid the money for which the action is brought, but nothing was stated to show, the alleged payment could not be proved by the partners of the firm of Gilmore and Co.

But the court thought the grounds sufficient, and made the rule absolute.

*John Aitchinson v. J. A. Currie.*

This was a demurrer to the plea of the defendant. The action was brought to recover the amount of wages due to the plaintiff for his services as an engineer in the Howrah Dock-yard. The defendant pleaded the general issue, and the non-performance of a contract, plaintiff having quitted defendant's service without giving notice. To this plea defendant demurred.

The court allowed the demurrer on the first, second, and third counts, and directed an issue to prove the contract.—*Englishman*, January 23.

JANUARY 25, 1838.

*E. K. Hume v. Stephens and others.*

In this cause, the order was made, referring to the Master to enquire and report whether or not the lease ought to be cancelled, on payment of say, and if any, what sum of money, by the complainant to the receiver, and how such money, when received, ought to be apportioned.—*Englishman*, January 26.

A case of very considerable interest, both in a general and commercial point of view, was at the time we left, in progress of argument in the Supreme court, the Chief Justice and Mr. Justice Grant presiding. It was the appeal of the Assignees of Fergusson and Co. against the decision of Mr. Justice Malkin in the Insolvent court, in the matter of the Assignees of David Clark against the Estate of Fergusson and Co., who claimed to be allowed to prove for about six lakhs of rupees. Sir B. Malkin decided in favor of the claim to prove against the estate, and hence the appeal by the Assignees of Fergusson and Co.

Mr. David Clark retired from the firm in Calcutta in April 1827, and on his going out of the house, upon a balance of accounts being struck between the parties, an agreement by way of dissolution of partnership (we believe) was entered into by the other parties with Mr. D. Clark, and he was credited with a certain sum which he left in the house, and which after certain fluctuations now amounts, according to the Assignees of Mr. D. Clark, to about six lacs.

The decision of Mr. Justice Malkin is appealed on the ground that there was abundant evidence before him to show, that at the time the partners entered into the agreement with Mr. D. Clark the house was insolvent; and that there was in point of fact, nothing in the books to the credit of Mr. D. Clarke, The Advocate-General and Mr. Leith for the Assignees admit, that had the transaction been *bona fide*, and had the house been solvent at the time of the agreement in question being entered into, the Assignees of Mr. D. Clark might come forward. And their point, as we understand it, is, to shew that the case in question does not come under that class of decisions, in which payments, or credits in the books to retired partners, consequent upon agreements in going out, have been upheld. The insolvency of the house at the time, and the knowledge of the partners of the fact, vitiating the whole proceeding; and constituting no claim to be set up against the interests of the *bona fide* creditors—such is, we believe, the nature of the question raised in this appeal case. The counsel for the Assignees of David Clark, Messrs L. Clarke and W. P. Grant (who was a member of the house at home, Fairlie, Bonham and Co) contending that the case of Mr. D. Clark, comes within the rule of law laid down in the cases of payments by the house to retired partners, under and by virtue of deeds of agreement. We shall endeavour to place before our readers the judgment of the court in this interesting case. —*Calcutta Courier*, January 26.

#### APPEAL TO THE SUPREME COURT FROM A DECISION OF THE INSOLVENT COURT.

*In the matter of the petition of Samuel George and Edward Edwards, Assignees of David Clarke, and the estate of Fergusson and Co.*

*Appellant*—Elliot Macnaghten, Esq., Assignee.

*Counsel*.—The Advocate General and J. F. Leith Esq.

*Attorney*.—Mr. Waddington.

*For the Respondents*.—*Counsel*.—Longueville Clarke, Esq., and William Patrick Grant, Esq.

*Attornies*.—Messrs. Wight, Boyle and Thomas.

In the case Mr. David Clarke was the head of the firm of Messrs. Fergusson and Co.; he left India in 1826, and retired from the firm on the 30th of April, 1827, joining the London firm of Fairlie, Bonham and Co. On his retirement, the remaining partners admitted that *sicce* rupees 8,31,636 stood to his credit, and was due by the house to him, but in consequence of the correctness of this balance having by subsequent investigation

been doubted, he voluntarily gave up two lakhs of rupees. But even the amount due to him after this relinquishment frequently varied, from consignments made by him, and remittances made to him, and on the failure of Fergusson and Co., the balance to his credit was 6,54,029. Mr. Clarke afterwards became a bankrupt in England, and the respondents were appointed his assignees. They claimed a dividend from the state of Fergusson and Co. on the sum standing to Mr. Clarke's credit. This was resisted by Mr. Macnaghten. The Assignee of Fergusson and Co., and a petition was accordingly presented to the Insolvent Court, where it was decided by Mr. Justice Malkin, that the estate of Mr. Clarke was entitled to the dividend and against this decision, the present appeal was presented.

The Advocate General in support of the appeal, contended that the decision below was erroneous as against law and facts. He doubted the authority of *Ex-parte Peak*, the case on which the Council for the English Assignees and Mr. Justice Malkin had principally relied. Sir Thomas Plumer, by whom that case was decided, had been undoubtedly an eminent Lawyer; but the greater part of his life was spent in courts of Common Law, and he had never been distinguished for his knowledge of Equity. He cited the case of *Anderson versus Maltby*, 2d Vessey junior, 244, which he stated to be completely in point, and read passages from the Lord Chancellor's judgment to shew the distinction between legal and moral fraud. He was far from imputing moral fraud or any turpitude whatever to Mr. David Clarke, or any of his partners; but he said, that there was that which in law was a fraud, and which vitiated as between the partners and the creditors, the arrangement which they had made among themselves. Mr. Clarke had retired in April, 1827, and here was a statement of the affairs of the house proposed in March 1828, by Mr. John Smith, the then senior Member, and signed and approved by all the partners, shewing, that instead of having any balance to give to Mr. Clarke, that on the day he retired there was an actual deficit of 6,63,612 *Rs.* He then read the notes appended by the different partners to this statement, and Mr. David Clarke's letter to his brother, admitting its correctness, and commented on the notes and letter, to shew that they completely brought the case under the doctrine of *Anderson versus Maltby* and also other cases which he cited. *Ex-parte Burney Cook*, B. L. 269. *Ex-parte Ruffin* 6 Ves. 119. *Ex-parte Williams* 11 Ves. 3. and *Ex-parte Feil*.

Mr. *Leith* followed on the same side, and in addition to what had been urged by the Advocate-General, contended that it was most natural that Mr. Clarke should have been very desirous of retiring from the House and would do much to effect his object; any one who knew the uncertainties, anxieties, and miseries, attending a Calcutta mercantile life for the last fifteen years, would readily comprehend this feeling. He likewise argued that the deed of dissolution of partnership was void for want of consideration as Mr. David Clarke gave no consideration to the remaining partners for the eight lakhs of rupees he was to receive, and for taking on themselves his liabilities.

Mr. Longueville Clarke for the English Assignees, stated, that he should conduct this case in a very different manner from what he would do, or would deem proper, were he appearing for Mr. Clarke or any of the partners. It was an immense sum of money which was at stake, and the question was to which of two bodies of creditors both of whom had been sufferers, the law would give it; he should therefore press every point of law and fact which could avail his clients, a course which the would not adopt, were the question between Mr. David Clarke and his creditors.

In the first instance he denied the right of his friends to be heard, because he said they must shew their right to oppose before their opposition could be entertained. The Assignee only represented the creditors and if they had no right to oppose, he could have none. First he contended that no creditor could oppose, unless he had been a creditor of Mr. David Clarke's, that is a creditor of the house previous to April 1827, and had continued to be so ever since. Secondly, that right would be lost, had such creditor known of Mr. Clarke's retirement and consented to transfer his credit to the remaining partners. This had been decided in the Court of Exchequer so recently as April last, in *Captain Hart versus Henry Alexander*, 2d Meeson and Wetsby 488.

The Chief Justice. The Assignees hold the fund, you demand a payment from them; how can you say they have no right to be heard against making that payment?

Mr. Clarke said the right to be heard, was consequent on the right to resist payment, the right to resist was based on the right to invalidate the arrangement made between Clarke and his partners, but no subsequent creditor, nor any creditor who had transferred his credit, was affected by or could question that arrangement; therefore, it followed that those who were not in a situation to question the arrangement, could have no right to be heard. Now, before the creditors could question the arrangement, they ought to shew that they had a right to do so; but there was not one tittle of evidence in the court below to shew, that the Assignee represented any creditor of Mr. David Clarke's or that any of the present creditors of Fergusson and Co., were creditors in April 127. The *onus probandi* was with them.

The Chief Justice.—This is arguing on a circle. The Assignee has a right to resist payment, but it by no means follows that he has a right to enforce it. We think he has a right to be heard, but on being heard, if he does not prove he has right to oppose another question may arise, but nevertheless we must hear him.

Mr. Clarke stated he would not argue against the opinion of the court much less would he do so when the weight of his objection would avail him equally on the consideration of the whole question. He would therefore go to the merits. He would at once acknowledge the correctness of the law of all the cases cited by the Advocate-General, and he would shew from them, that his friend was in error in questioning the correctness of Peak's case. Nothing in fact could be more clear, more simple, than the law applicable to this case. It was all to be found in Peak's case, and the other cases instead of differing from, supported that decision. This was the law. If the arrangement for Mr. Clarke's retirement was made with the intention of defrauding the creditors, then it was bad; but if not, then it was good. Knowledge of Insolvency by the partners at the time of making the arrangement did not of itself constitute proof of fraud, but it might be coupled with other circumstances by evidence of it. In Peak's case, knowledge of Insolvency without other circumstances was held not to be sufficient; in the other cases, there were strong circumstances coupled with this knowledge, and therefore fraud was held to be proved. There was, therefore, no contradiction in any of the cases, they all established the leading principle, whether or not the evidence amounted to a proof of fraud. Mr. Pearson had disclaimed attributing moral fraud to the partners of Fergusson and Co., but he argued that they had been guilty of legal fraud; he denied broadly that any such distinction could exist in this case; he would take the high ground, and tell the court and his friend, that in his opinion, if the partners gave this sum to Mr. David Clarke, knowing there was a deficiency in the house, that all of them had been guilty of the grossest moral fraud. He would draw no nice distinctions; if the House were not solvent, and completely solvent, then he said that a gross moral fraud had

been committed. Having thus disposed of the law, he would now come to the facts. These depend upon oral and written testimony. The oral evidence consisted of the depositions of Mr. T. H. Gardener, a clerk in the house, Mr. McKellegan, the book keeper, and Mr. Fergusson, one of the partners. [Here Mr. Clarke read the three depositions commenting on them as he proceeded.]

The only evidence referred to by his friend, was that of Mr. Gardener's, whose subordinate employment in the firm, prevented his having any intimate knowledge of their affairs; but putting that aside, for he was determined to take the high ground, he challenged his friend to point out one single line which could even imply, that in Mr. Gardener's suspicion the firm was insolvent in 1827. There was nothing approximating to such a notion; how then could this evidence help them? But what said Mr. McKellegan. He had been the book-keeper from 1823, and in reality knew from his peculiar duties the pecuniary affairs of the house better than the partners themselves. He swore that the house was perfectly solvent, that he would have trusted it to any extent, and that Mr. Adam Freer Smith, now an eminent merchant in Calcutta, but then a clerk in the house, and thoroughly cognizant of its affairs, applied for admission as a partner on Mr. David Clarke's retirement. Mr. McKellegan was an independent man, he had never been in the house, and was now the first member of one of the richest houses here. Mr. Fergusson, of whom he would say without fear of contradiction, that no one was more esteemed as a merchant or a man, swore to the same facts. How then stood the case? Had these gentlemen perjured themselves? If not, the decision of the court below could not be altered. He liked to put things on the broad and, therefore, what he conceived the real ground. He would therefore ask, could the court with the scanty evidence before them, which they had suppose that they could understand the affairs of Fergusson and Co., in April 1827, better than Mr. McKellegan the book-keeper, and Mr. Fergusson, the partner? If not, they must then be guided by their evidence, or disbelieve it—or in other words, for he liked plain language, they must either believe them and support the decision of the court below, or if they revered it, pronounce them to be guilty of deliberate perjury. There was no drawing the line; there were no nice distinctions in this part of the case, any more than there were in the other. He now came to the documentary evidence. The court would recollect that when a balance of 18,85,104 was found to be due to the partners in April 1827, they were ranked among creditors of the house. The balance due to them was always treated as any other debt of the house. Now take the first account made up in March 1828, that shews 6,63,612 deficit, that is what is due to creditors beyond the assets; but among what is due to creditors, is what was due to the partners, namely 12,85,101; so that had all the creditors, but the partners, been paid, the surplus would have been 6,21,492. Now the partners might do what they pleased with their own, and Mr. David Clarke having given up two lakhs, the portion assigned to him was only 10,144 beyond the assets of the house. So much for the first calculation; but the second shewed a very different state of affairs; then the deficit, instead of being 6,33,612 in five months after, shewed a deficit of 401, thus leaving a surplus, after paying all debts, of 12,84,703.

Look then at this documentary evidence; it was ludicrous to say that it was any proof of the house being insolvent. In point of fact, the proof was the other way.

But the case did not rest here. Hitherto he had confined himself to the appellant's evidence, let him now turn to his clients'. There it will be found that these two accounts were made up not between the partners and creditors, but between the partners themselves. These



It will be found, that there was a fund called the suspense account, which was a fund expressly reserved to meet bad debts, or an evil hour. To the creditors this fund belonged, but the partners never touched it; therefore in making up accounts between themselves, they never referred to it. This fund in 1827 amounted to 62 lakhs of rupees, and was not included in the calculations produced by the appellants, as between the partners and the creditors it would be included; and, therefore, the 60 lakhs ought to be added to the calculations produced, which made it ludicrous to talk of the insolvency of the house at that period. Mr. Clarke then went into an examination of the Gloucester Mills accounts, shewing the vicissitudes of mercantile speculations. This property had cost him 10 lakhs, in a few years after it was sold for 2 lakhs by the assignees, and then sold for 6 lakhs by the purchasers from them. Again in regard to debts, there was equal uncertainty, many were esteemed good, which turned out bad, and many were considered ho peless which were paid in full. Mr. Smoult and Mr. Andrew Wight were among the latter; he found them noted bad, and afterwards principal and interest paid in full.

Mr. W. P. Grant supported Mr. Clarke. He went at great length into the accounts explaining the nature of the suspense account, and attacking the Advocate General for a want of proficiency in mercantile accounts. He also went at great length into other points not touched on by Mr. Clarke, especially the law relating to the liability of partners as between them and their creditors.

The Advocate-General replied, that it was useless to contend, that the two accounts signed by the partners. In March and October, 1826, did not shew a complete state of insolvency. There the word deficit was used, and over that his friends could not get. There was nothing of suspense account mentioned in them; but if there true nature and character wanted to be defined, look at the desponding remarks attached to them by the partners themselves, and look at Mr. David Clarke's letter to his brother. Would any, but men conscious of, and weighed down by insolvency, have written to that effect. His friend Mr. Grant was wrong in stating that he had ever admitted that he was ignorant of accounts; but this he had done he had admitted and did admit that he was ignorant of that system which is magnificently termed *Italian* book-keeping a system which to him appeared to have been invented by merchants, with its entry and double entry, for the sole purpose of keeping others in the dark and mystifying themselves.

The court, after short deliberation, stated they would deliver their judgment at an early day.—*Hurk, Jan. 29.*

(Before Siss E. Ryan, and Sir J. P. Grant.)

**RAJAH BURRODACAUNT ROY, versus JUGGOURCHUNDER MOOKERJEE AND OTHERS.**

This cause came on for hearing on supplemental bill and answer. The former was filed in June 1836, and prayed an account against the real and personal estate of Doorgachurn Mookerjee, deceased and an unjunction from wasting or changing the same, and for the appointment of a receiver if necessary. An interlocutory decree *ad computandum* had been obtained in April 1835, but the final decree was not dated until the 1st of November, 1837, so that the present bill was filed antecedently to the latter, though subsequently to the former decree. The bill was taken *pro confesso* against all of the defendants except the three infants who had put in their answers in February and March 1837.

Mr Clarke and Mr Lieth for complainant, put in evidence to prove a large ancestral estate in the possession of the present defendants, the representatives

of Doorgachurn Mookerjee, who were making away with it to avoid the effect of the decree of this court.

Mr Prinsep and Mr Cochran for the infant defendants. This is a mere experimental bill, wholly novel and unprecedented both in form and principle. The decree upon which the complainants ground their alleged title to relief from this court, was not in existence at the time when the bill was filed. As to the interlocutory decree of April 1835, it only directs an account, and therefore establishes nothing more than a possibility that a claim might at some future period accrue to the defendants. *Smith versus Eyles*, Atkyn's Rep, is an authority that a mere decree *quod computet* does not affect the right of dealing with the property, and that a final decree alone can put the parties in the position of creditors.

Mr Clarke in reply urged, that even the interlocutory decree gave the complainant a right against the estate so far as to entitle him to relief from this court, although it did not precisely define the amount of his claim.

The court postponed judgement, and rose at three o'clock.—*Hurkaru, January 31.*

### MADRAS SUPREME COURT.

During the trial of a case of larceny in the Supreme Court on Monday last, a Christian boy of eight years old, was brought up to the clerk of the crown to take an oath, previous to his being sent before the Grand Jury, when the following dialogue took place.

*Sir E. Gambier.* Has he learned to read and say his prayers? He has learned a little; he says his prayers. To whom are his prayers addressed? God. Does he know God hears and sees all that he says and does? He does not know. Does he know what is meant by taking an oath? No. If he tells lies and falsehoods, does he know it is displeasing to God? No he does not know. Does he know that it is wicked to say what is false? *He does know that.* Does he know that God will punish those who swear falsely? He does not. Has he been taught where wicked people will go in the next world? He does not know that. Has he heard of Heaven and Hell? No he has not. Of what persuasion is he? A Roman Catholic. What prayers has he learnt? A moral poem in Tamil. Has his father taught him any prayers? The ten commandments to pronounce. Does he know any commandment about bearing false witness? He does not know it. Has he learnt any commandment? He has learnt ten. Which of the ten can he say? No reply. The boy was sent to the Grand Jury with a message that he was not to be examined on oath as he did not comprehend the obligations of it.

We have given the above, not for the sake of pointing out the ignorance of the witness, for although stated to be eight years old he hardly looked five, and was perhaps confounded at being so closely interrogated in open Court; and still less to question the propriety of persons being strictly examined, as to the sacred obligation of an oath; but to suggest whether something like the foregoing enquiry might not be beneficially extended to a very considerable portion of the persons who go into the witness box; and whether any thing is so likely to impress the natives with contempt for the ceremony of swearing as the slovenly manner in which oaths are usually administered. For our own part, we do not believe that a person who would assert a deliberate falsehood would have much hesitation in breaking an oath; but whilst oaths are legally considered necessary, they certainly ought not to be mumbled over in a whisper, as they constantly are in our courts of Justice and in cases of impropriety, where the liberty and even life of

prisoners is at stake, we can imagine that great advantage would be derived by closely questioning the principal witnesses as in the case of the lad on Monday last.

After several years pretty close attendance in the Supreme court, during which period we have had occasion to watch the evidence with some attention, our decided conviction is, that the natives of this country, as a body, have no more hesitation in asserting what is false in the witness box than they have out of it. We believe our opinion coincides, with that of most persons

who have had experience in the courts of Justice ; and under these circumstances we contend no means should be left untried to check so enormous an evil. The simplest method we can recommend is to impress the witness with the awful responsibility of calling God to bear testimony to a lie, by obliging him distinctly and deliberately to repeat the oath or allegation in the face of the court, and by warning him that, in addition to the moral penalty which he incurs the court will be always ready and willing to inflict the highest punishment which the law allows for the crime of perjury.—*Madras Herald*, Jan. 17.

## INSOLVENT COURT.

JANUARY 6, 1838.

(Before Sir E. Ryan, Knight.)

IN THE MATTER OF GOVIND CHUNDER KUR AN INSOLVENT.

Mr. Leith in opening the proceedings in this case, addressed the judge, and said that he had on a former occasion obtained an order from this court to examine this Insolvent regarding some landed property which it is alleged on behalf of his assignee, and the creditors of the estate, that he possesses within the jurisdiction of the Zillah of 24 Pergunnahs, and which he has omitted to insert in his Schedule filed in this court by him.

The Insolvent was accordingly sworn. He deposed that he has no separate dwelling house, but he and his family, together with his other relations, live in a house situated on 26 beegahs of ground in the village of Rajhpoor, within the jurisdiction of the Zillah of 24-Pergunnahs. This house was the ancestral property of his grandfather, Doorgah Ram Kur, who shortly previous to his demise, bestowed it by a deed of gift for religious purposes, on the goddess Radha Govindo Gee. The image of this diety is kept within the dwelling house, and is on festival days brought out into the Hindoo-temple. Besides the Hindoo temple there is a Mahomedan Masjid likewise on this ground. Doorgah Ram Kur died leaving 4 sons, Ram Chunder Kur, deponent's father Kishen Chunder Kur, who had 5 sons, 4 of whom are alive, Sumbhoo Chunder Kur, who had one son yet living, and Mohes Chunder Kur, who has a daughter. The deed of gift was executed by Doorga Ram Kur, 18 mother's previons to his demise, in Bengally. Deponent was then only 10 or 11 years of age. He does not know whether the registry of this land was transferred in the collector's books to the name of the deity after the deed of gift. He cannot say in whose name these lands are now entered in the collector's office, it might be in the joint names of Sumbhoo Chunder Kur and Mohes Chunder Kur ; but deponent believes it to be in the name of the idol on which it was bestowed. This land was seized by the collector for arrears of rent, and sold about 4 or 5 months ago, and Baboo Ishar Chunder purchased it for 3,600 rupees. This sale happened before deponent was discharged by this court, but he cannot say whether it was before deponent had made his application for an Insolvency. Deponent was at that time, in the jail of Calcutta. This land deponent imagines to be worth 6 or 7,000 rupees and not 30 or 40,000 rupees. After the seizure of these lands by the collector, deponent's relatives petitioned against the sale to the commissioner of Alipoor Division, Mr. Pigou, who, as the land was devoted to religious purposes and as such are not liable to assessment, cancelled the collector's sale. Deponent has no share in any of these lands. Each of the deponent's uncles and cousins look after their own share, likewise

his brother Bindabur Kur ; but the lands devoted to religious purposes is under the general superintendence of them all, but Mohesh Chunder Kur as the senior of the family is the nominal superintendent. Deponent's grandfather, besides the aforesaid land, possessed a garden house at Rajhpoor, situated on the banks of the River Ganges, which he at the time he made the deed of gift already mentioned, bestowed on the goddess Gungu Mye, and there is no Government rent assessed on it. The spot of ground to the east of Sree Ram Mootee's garden, likewise belonged to deponent's grandfather, who annexed it in this deed of gift as well as the adjoining beetelnut garden of 2 biggah's. The beetelnuts grown in it are appropriated to the use of the idol and not sold. Deponent is unacquainted with Gopaul and Kishen Mohon, nor does he know any ground at Rajhpoor called Amrah Bagan. Deponent's grandfather had a house adjoining Chundy Churn Sircar's at Rajhpoor ; this house is converted to an abode for the pilgrims and songsters who worship at the shrine of the deity. Deponent does not know Bhowany Roy, nor is he aware of any lands his grandfather purchased from him. Seekdar Bagan, at the village of Goopy poor, contains 16 biggahs of land ; deponent does not know whether it was acquired by his grandfather, or subsequently bought from the savings of the revenue of the other religious estates ; it is devoted to religious purposes. Besides the lands already mentioned, deponent's grandfather left many other estates, many of which he has never seen, and does not even know their names. After the death of his uncle, deponent for a short period collected the rents of his share, and at times of the shares of his relatives at their request. Deponent's share was two annas in the rupee. Deponent does not know what was the annual amount of these collections. Deponent collected the rents for about two years and a half. The accounts of these collections are in the custody of the shareholders at Rajhpoor and their gomastas. Since deponent's confinement, his uncles and cousins have separated and therefore these gomastas are now dispersed ; yet some of them may be forthcoming. Umbikha Jadub and Ramehund Boes, mohurirs, who collected and kept the account of these rents and do so still, are residing in Zillah 24-Pergunnahs in the village of Mirzapoor, and can be found if inquired after. Deponent's grandfather had a lower roomed house at Barreapoor called Peach Sahib's garden : this, together with an indigo factory at Erachee, were mortgaged to Baboo Juggeldernath Mullick by deponent's uncle for 5000 Rs. shortly after the demise of Sumbhoo Chunder Kur, in 1242. This mortgage has not as yet been paid, and the property was totally sold for arrears of Government rents. Deponent believes that he has entered it in his Schedule as forming a portion of his ancestral property. The rents of Turl Seeta Koond exceed 200 Rs. annually : it is dedicated to the deity, but Kisto-Ram poor, which is included in the Talook of Dangah,

is not devoted to religious purposes. Deponent had two annas share in Kiste Rampoor. Pergunnah Dangah was sold, together with the other landed property already mentioned, for arrears of Government rents, and purchased by Ramdhan Bose.

Deponent has inserted it in his Schedule. He knows Muddienpoor and Jugguderampore, but he cannot say how they were acquired. There are some estates acquired by deponent's uncle's and cousins in which he has no Ghose.

After denying all further knowledge of any other land, deponent deposed, that since his release he has not collected the rents of any of these lands, but he has been occasionally consulted respecting them, and he has signed receipts for the rents received on behalf of the deity; but deponent did not receive the money, it was collected by sircars employed for that purpose. This money was all carried to the expense of the deity, and none of it devoted to present purposes. The ornaments and plates belonging to the idol are in the possession of the deponent's uncles at Rajhpoor. No part of these have ever been sold by either him or his relatives. The lands are all rent free lands, and the deed of gift is in this court; it was delivered by deponent's uncle to Moodosooden, a friend of his, to have it translated into English by Mr. Smith, the interpreter of the Supreme court. After it had been translated, Moodosooden gave it to deponent, who entrusted it to his attorney Mr. N. Hudson. Moodosooden has no employ at present; he lives and boards with deponent's uncle, and what his profession is deponent does not know. This ended the examination on behalf of the assignee.

The Advocate-General here put a question to this insolvent, but before he could answer it, the Chief Justice asked Mr. Pearson on whose behalf he appeared. Mr. Pearson replied on behalf of the insolvent. The Chief Justice then observed, that as the insolvent was already discharged, there was no necessity for this procedure.

Mr. Leith then begged the court's opinion on the testimony of this insolvent, and wished to have him in attendance again on the next Court day to confront his evidence with the depositions of the persons mentioned by him in it.

The Chief Justice replied that the court must take the insolvent's account of the lands as he gives it, and his testimony appears to be consistent enough; but if the assignee wishes to examine him further, he can do so as often as he pleases, by an application to the court, or have him brought up again to confront his evidence by the testimony of the persons mentioned by him; but if he thinks that there are sufficient grounds to make out his case by the evidence already given by the insolvent, he can then, if he chooses, institute a suit in the Zillah 24-Pergunnahs court for the recovery of these lands, as these are situated in the jurisdiction of that court, and not the Supreme court of Calcutta. He then, at the request of Mr. Leith, order the insolvent to be in attendance again on the 27th instant the next court day, unless he received an official notice from the court that his attendance was not required.

After this a few miscellaneous motions were made, and the court, after despatching them, adjourned till Saturday the 27th instant.—*Hark. Jan. 8.*

## ALLIPORE COMMISSIONERS COURT.

DEC. 27, 1837.

(Before W. Cracroft, Esq., Judge.)

Kassinath, plaintiff, Luckynarain and others defendants, Rooknee Bewah, widow of Ramnath, the brother of Kassinath, claimant.

*Suit of one-seventh Share of 3,57,000 rupees.*

The plaintiff stated, that his father and the father of the defendants were brothers. Their grandfather had eight sons, seven of whom died leaving children. The plaintiff's father and the defendant's father joined their property together and accumulated it by their earnings. Plaintiff's father died, leaving plaintiff an infant, and the father of the defendants brought up the plaintiff and his brother, the husband of the claimant, and he continued to give him and his brother their share of the profits of their mutual estates until the year 1235, B. S., when the plaintiff, who had been a dewan in the collectorate of Jessore, was confined on some charges brought against him; and his brother, the husband of the claimant, being dead, the plaintiffs, after the death of their uncle, stopped the share of their profits of the estate. The plaintiff complained for his share of the family estates and monies which he states was 51,000 rupees, and the claimant, on behalf of her husband, claims for an equal amount against the defendants on similar grounds.

The defendants denied that either the plaintiff or the claimant's father ever had contributed to realise any portion of the property to which they had laid claim, or that either they or their father were ever in possession of any portion of it, it being the only coming of their father and grandfather.

The Judge remarked to the plaintiffs' attorneys, that the property in his client's schedule was very vaguely described, and asked him whether they could either by documentary or oral evidence prove that their client ever was in possession of any portion of the lands, &c., to which they now lay claim, within the last 12 years from the date of their suit being instituted, and the same question was put to the claimant's vakeel. The vakeel of the plaintiff replied, that his client had received certain sums of money up to the Bengal year 1235, as his portion of the assets of these lands, &c., but no annual accounts had ever been rendered to his client of the profits and loss of their mutual estates by the defendants, and the claimant's pleader made the same reply, except that he added, that his client had all along been in possession of the land on which the ancestral household was situated.

The judge remarked, that this might tend to prove the possession of that one house, and after observing that the better mode of proceeding would have been for the claimant to have instituted a separate suit for the share of the property she now claims, postponed the case for the plaintiff and the claimant to prove the most essential point of their claim, which had been denied by the defendants in the outset of their reply, viz., that neither the plaintiff nor the claimant, nor their father or father-in-law, had ever been in possession of the property posterior to the year 1228, B. S.—*Harkness, Jan. 4.*

### THE PETITION AGAINST MR. CRACROFT.

We were present in Court on Thursday and Friday last, and read a petition addressed to the Deputy Governor, complaining that Mr. Cracroft, the Civil and Sessions Judge of the 24-Pergunnahs, attended Court

between 1 and 2 o'clock daily, and that he appropriates his time to the hearing of only criminal cases. The petitioners also prayed that the Deputy Governor should desire Mr. Cracroft to fix two days in the week for the hearing of civil cases. The petition bore the signatures of Peearce Loll Mundul, and Kistoonund Biswass, both respectable zemindars, the names of two or three vakeels of the Court, and about eight other Bengallee names.

Peearce Loll Mundul and Kistoonund Biswass, as well as the vakeels, denied all knowledge of the petition and declared it in open Court to be a forgery; the remaining names are unknown in the Court, as the whole of the file have been searched and no suits whether in Court, or by appeals from the native subordinate courts bearing those names have been found.

The fact is, that about a month ago Mr. Cracroft did attend Court for about two or three days at late hours, but he was then in a very sick state, and could have very well staid away altogether, as he was often obliged to quit the Court in a state of fever and debility. We suppose this petition must have originated with some of the subordinate native courts, with whom Mr. Cracroft is rather unpopular, not for neglect of duty, but for having set aside native influence altogether, and for having placed the Omrah on their proper footing, that of clerks, &c. instead of allowing them the dangerous interfering influence they were formerly allowed to practise.

We must confess that we have lately experienced great good in the Judge allowing access to him at all hours of business, as from 11 to 5 and 6 p.m. we have transacted both civil and criminal business, without being put off on account of any particular engagemment of the Court. Were all the native pleaders to speak the truth, they would have no alternative but to confess that business has been facilitated ten-fold, nay twenty, fold, within the last 10 or 12 months.

As this forged petition has made a little noise as it were, we would not be surprised at several others being sent in within the next month, or two. Mr. Cracroft (we believe it is pretty well known) has made a reference to the Superior Court against the Principal Sudder Ameen of Allipore, and a case is now pleading before him against the moonseef of Manicktullah, in which that officer has shewn how he can vent his spleen on those who care not for him. The Court was engaged five days in the hearing of Moonseeh Ameer *versus* Mr. Duncan McPherson, a full report of which we shall soon give, as we consider the case one of great importance to Soonderdun grantees.—*Hurkaru*, January 9.

ALLIPORE, THURSDAY, THE 28TH DECEMBER, 1837, AND  
WEDNESDAY 3RD TO FRIDAY 5TH JANUARY, 1838.

(Before W. Cracroft, Esq., Judge.)

MOONSEEH MAHOMMED AMEER O. MR. DUNCAN MCPHERSON  
GRANTEE.

The plaintiff appeared by his vakeels, Moonseeh Sarroopchander Ghose, Issarchunder Moozumdar and Gournarchunder Ghose, and the defendant by Mr. R. Dias.

The Government in 1826, by Clause 1. Section xiii. Regulation 111, of 1826: declared the whole of that extensive forest known as the Soonderbuns, the property of the state, and immediately granted leases to several individuals to clear the jungles and to bring the land under cultivation within a certain term of years, during which they should hold the lands free. Among those to whom the grants were made, Mr. Duncan McPherson obtained a lease for 9,300 beegahs:

The plaintiff sued for damages, to the extent of 5,800 rupees, and interest, being an alleged loss sustained by him, from an act of the defendant, by which a portion of the plaintiff's land was rendered uncultivable, the defendant having obstructed a water course, the plaintiff sued from the time of the Nuddeeah Raja, from whom the plaintiff purchased his estate.

To prove his claim to damages, the plaintiff produced several witnesses, by the evidence of four of whom; Fuckeerchaund Geen, Chedam Mundul, Dhulle Gazez and Harroo Mundul, the plaintiff proved that, from the time of the Nuddeeah Rajah at the usual season, he used to cut a certain bund and let his water off through a creek, on the defendant's lands, and to prove his loss, produced certain books of accounts unstitched, alleged to have been kept by one Sunnaawoolah, a gomastah in his employ, but this witness said, that he did not make any of the entries, but merely put his signature to them as correct, and that he did not know the names of the individuals by whom those entries were made.

The Judge informed the pleaders of the moonseeh, that he could not admit the accounts in evidence, as they ought to have been proved by the evidence of those that made the entries, and that the attention of them by the gomastah was not evidence in support of them.

The pleaders urged that it was not customary to prove secondary accounts by the evidence of ryots.

The Judge said, that he had great experience in the reception of accounts in courts, and that he could not see any reason for receiving accounts, the entries in which are not proved by the parties that made them, but by a gomastah, on whom the court would place no reliance.

Mr. Dias urged, that the manner in which the accounts were filed was objectionable, as they were not books, but merely pages of paper threaded together in the manner of nthees, which left them open to the mercy of the people about the court; and that there could have been no difficulty in changing any of the pages during the proceedings in the case; besides which Mr. Dias urged that in those accounts the valuation was made by the zemindar at his own valuation, and that that valuation was far from the reputed unproductive of jungle bore lands.

The Judge said, he would not receive the accounts in evidence, and had them sealed up, and put his own seal to them, to prevent any persons from having access to them for any improper purpose.

The defendant originally entertained Moonseeh Shruccauteollah and Ramconni Bose, the former the Government pleader of this court, and the latter a vakeel: these individuals had entirely overlooked the principal points urged, and filed answers and replications of a superfluous unimportant nature, and examined witnesses on points hardly connected with the case, and consequently there was nothing to rebut the right to the intercourse claimed by the plaintiff, which though it fortunately happened that by the evidence of Messrs Broadhead, Patkin, McDougall, and James Patton, grantees, all of whom stated that it would be impossible for the defendant to clear his lands and to continue his cultivations if the creeks were left open, to let the plaintiff's water out; and they also proved that the plaintiff had the means of letting his water out by a creek on his own estate, and that the cultivations alleged to have been injured by the act of the defendant, appeared to have always been in the state in which they now are, and that the stoppage of water course had not injured the plaintiff.

Two native witnesses, named Comul Mundul and Nuchoo Moallah, stated that the former had been a ryot of the Moonseeh, and the latter of neighbouring zemindar, but had since gone to the defendant's estate, that the Moonseeh had been in the habit of cutting the bunds to

let his water out, but that he used formerly to let it out by his own creek; which had in latter years become shallow, but that if he would cut it, there would be no difficulty in letting out the water. These witnesses also proved that three parts of the lands alleged to have been injured are in a state of cultivation, and that only the eastern part of it, immediately on the defendant's boundary, was in an uncultivated state.

The Judge here remarked to Mr. Dias, that he would be obliged to receive the evidence of the last two witnesses with great caution, as they had formerly been ryots of the plaintiff, and went afterwards over to the defendant's estate where they were employed as laborers, and that it was natural they would speak in favor of those for whom they were interested.

Mr. Dias submitted that the witnesses were not in the employ of his client, nor were they tenants at the time they gave their evidence, but that they lived by selling the produce of their own labor; they were allowed a certain spot of land for a certain period rent free, which they gradually cleared and cultivated. That they sold the wood and Mr. Dias believed they now had a little paddy on their land. Mr. Dias added, that if the court deprived his client of the evidence of the last two witnesses, he would be at a loss to make any defence, as the case had been altogether neglected and mis-managed by the vakils that were employed, and Mr. Dias particularly called the court's attention to a most extraordinary proceeding on the part of the plaintiff. That at the time witnesses were produced by Mr. McPherson, Mr. C. R. Martin was Judge, that the defendant produced four native witnesses, and while they were in court, mookhtar of the plaintiff assisted by two peons, arrested two of the witnesses and took them away to the plaintiff's house at Sealdah, where they were detained for the night, and where the witnesses were on the following morning found, Mr. McPherson fearing the plaintiff had exercised his influence with them, and rather than run risk, erased the evidence of those two men he was thereby deprived of evidence by an unjustifiable act of the agent of the plaintiff.

The Judge said, that he could not take cognizance of what had transpired during the time of his predecessor, but that if such an attempt was made at his court, he would make severe examples of the parties concerned.

The Judge informed Mr. Dias, that the plaintiff had proved his right to open the watercourse to let out his water, but that he had failed to prove the damage claimed by him as the accounts could not be admitted in evidence; but that, however, it appeared by one of the witnesses on the plaint, that he paid Rs. 10 for twenty-five beegas of land, according to which the Judge would assess the damage.

Mr. Dias as here called the Judge's attention to a report from Mr. Commissioner Shakespeare, No. 44, dated the 12th February 1837, filed with the papers in this case by Mr. McPherson on the 14th July of the same year, by which it would appear that Mr. Shakespeare made it evident, that unless Mr. McPherson raised the bund and kept it in good repair, he would have found it impossible to bring the land to its present state. Mr. Shakespeare also stated, that he had inspected the spot alleged to have been rendered unproductive, and that the damage claimed by the plaintiff was by far in excess of the injury done.

The plaintiff's pleaders urged, that the defendant had omitted in either of his answers filed, either to deny the injury or to compute it at a sum less than was claimed by their client, they therefore submitted that the full amount of damages awarded.

Mr. Dias submitted that the court would not award more than nominal damages in the case, as there were

no means to ascertain the exact amount of injury sustained, if any, and that one of the plaintiff's witnesses had asserted that with exception to two or three beegas of the land on Moola Bheel, the grant was in a state of cultivation, whereas the plaintiff laid damages in Moola, calculating at 200 beegas, 197 beegas of which ought to be set aside. Mr. Dias then maintained that his client had acted in every respect under the construction put by the Revenue Officers on Clause 1, Section xiii Regulation III. 1828, under which certain lands were declared the property of the state, and which lands under cases were granted to individuals, who were empowered to hold them, and use them as actual proprietors of the soil. Mr. Dias here produced and authenticated copy of instructions issued by Mr. Commissioner Pigou, No. 298, to the commissioner of the Soonderbans, the fourth paragraph of which is as follows:

4th.—To the fisheries comprised within the limits of any grantee's pottah no zemindar can allege any right, for if he has no right in the land, he can certainly have none in the water, and so long as the state does not think proper to claim such julkur, no party, other than the grantee in possession, can urge a right thereto.

Mr. Dias continued, that the creek by which the plaintiff wished to let his water out was clearly within the boundaries of the grantee's estate, which had been leased by Government to his client, he therefore presumed his client had an undisputed right to close, or to open it, or to use it, to his own advantage; for said Mr. Dias, if that creek is opened, there is evidence to shew that the grantee will injure his own cultivation.

The Judge replied, that all that Messrs Shakespeare and Pigou had urged was very good as fiscal law, but that he did not see that the grantee in this case had a right to exercise a power, which the grantee did not possess, and could not therefore bestow (keeping in mind that the plaintiff had proved his right to the watercourse for a period as great as the memory of man.) If the Government (said the Judge) wished to give the right to the grantee, they ought within seven years, to have stopped the use of the creek, and as there is no evidence to shew that it was done, he had no alternative than to admit the plaintiff's right.

Mr. Dias then observed that he would, if allowed by the court, take an objection to the plaintiff's right on a new ground. The plaintiff appear as the proprietor of a certain land named Hora Bheel, which was granted by Government to Mr. McPherson, as when the commissioner laid down the limits of the defendant's grant, he included the whole of Hora Bheel in it, and, said Mr. Dias, if the objection will be admitted, it will at once decide the question of right, as the plaintiff wishes to pass the route from Hora Bheel through the creek on the defendant's estate. Mr. Dias then said that he requires the plaintiff to prove his right to Hora Bheel.

The Judge remarked, that such an objection ought to have been taken at the onset by those who had framed the defendant's answers, and that he would not now admit it. He had sufficient evidence that the plaintiff had a right to the watercourse, by the stoppage of which by the defendant, the plaintiff had sustained loss and ordered that it should be opened when necessary to let the water out. That it also appeared that the plaintiff had a passage on his own estate by which, with a little expense, he could let out the water, but which it was optional with him to do, but the Judge considering that point and several others urged on the defence, and the plaintiff having failed to prove his accounts, it was awarded that the defendant should pay damages at 400 rupees per annum for three years, with costs on that amount only free of interest.

This case will immediately be forwarded to the Governor General by the grantee as one of great hardship, and which may be the means of ruining him eventually. —*Hurkara*, January 13.

## BHAUGULPORE COURT.

JANUARY 1, 1838.

(Before T. Wyatt, Esq.)

## A RAJAH CONVICTED OF MURDER.

The Magistrate having, as it is usual with him, examined this case with great deliberation, made it over to this court. We were present in the inferior court during the examination, but omit the details to avoid a repetition. We gave the facts as brought to light before this court by the depositions of witnesses,—premising that the family of the Raja placed before the bar, for the commission of a horrid murder, was at one time very respectable in these parts, but owing to the strange mishap of the Rajas, for two or three generations, being of unsound mind, the semiallairs has been much neglected, and consequently reduced the late rajas to a rather undesirable state of affairs. The last twig of the ancient stock, now arraigned for the wilful murder of Kokeen, *feelban*, seems to have a touch of the hereditary malady; for it does not appear in evidence, that there was any cause of irritation given by the poor fellow who has been sacrificed by the Raja, of Koonwar, as he is termed.

The place where the Rajas reside is called *Muhwur*, in purgannah Muesshahree, lying in a south-east direction from the station of Bhaugulpore, but subject to the jurisdiction of that district. The Session Judge was aided in the investigation of this case, by the Mohammedan law officer, but no assessors, as in the case of manslaughter, we reported a few days ago,—a circumstance we could not help being surprised at, as this case is evidently a more serious one, and therefore require much more urgently the aid of a jury, than the other.

This horrid case of murder was brought on by the prosecution of Onares, the brother of the deceased, who represents that his brother was in the employ of the Raja or Koonwar Chundun Singh as *feelban* or elephant driver, and accompanied him to Burhut; that when he arrived there the Koonwar, very unaccountably, commenced beating his servants without any cause assigned (in evidence) for such violent proceedings; that the irritability of his temper rose to such a pitch that he caused his brother to be forced into a room, tied, and cut to pieces. The deponent was also ordered to be caught and carried into the place of execution, but fled for his life without waiting to entreat the Koonwar to spare that of his brother. The real cause of all these proceedings appeared to be this. A person by the name of Data Ram, Mahajan, who was in the interest of some persons not mentioned (probably neighbouring litigant zemindars, who had fallen out of some boundary dispute) had been either on a visit to the Raja, or had gone to Burhut on business. While there, the Raja seems to have received some serious provocation from Data Ram, whereupon he sought to do him some serious harm, pursuing him with a drawn sword, Data Ram takes to his heels, and escapes the danger to which he was exposed by the exacerbation of the Raja's temper to a degree, never known by any of the witnesses to have been seen before at any time; but a horse on which he had come to Burhut, and which Data Ram abandoned to its fate in his precipitate flight fell in the way of Koonwar Chander Singh, and on its carcass he wreaked the vengeance he meditated against its rider. The animal was cut to pieces by him, with his own hands. Having thus shed the blood of the beast, he seems to have grown "desperately wicked," and sought to spend his rage on any object that might fall in his way. Unfortunately for Kokeen, he happened to catch the eye of his master at this awful crisis of this

wild, unruly mania, and read the folly of throwing himself in the way of an infuriated madman. How the catastrophe occurred, the deponent does not particularize; but Jhubban Dhanuk, is more precise in mentioning the details of the affair. By the Koonwar's order, Manjea, Pulta, Gopal, and Beesoo Goryt, dragged the *feelban* into a shed or kutcherry standing within an enclosure, through which every thing that was transpiring within, could be seen and was seen by the witnesses. Two of the individuals, (placed at the bar as accessaries to the fact,) by the Raja's direction, tied the two legs of Kokeen to a post, while the other two held him fast by his hands against it on the opposite side. The Raja then drew his sword, and at one stroke, almost severed his head from his body. He then almost cut him in two by a stroke which he levelled at his waist; and finally gave him a wound in one of his legs. Beesoo Goryt, by the Raja's order, caused the mutilated remains of the wretched elephant driver (or mohut) to be conveyed into a neighbouring jungle, but not before they had arrived at an offensive state of decomposition, by having been thrown into one of the *clow* huts within the enclosure before mentioned. In the jungle, the body was put under the carcass of the slaughtered horse of Dataram, in which situation, ere long, the bones of man and beast were indiscriminately commingled. One of the witnesses swore that, at the time of the *Tadarook* or *Soorathal*, he discovered the bones of his mohut, by marks of the cuts inflicted by the sword of the Koonwar, deeply left on the neck bone, ribs, and thigh bone of the deceased, which first the court thought to be rather strange. But this witness was almost stone deaf and could not, without his interrogator's bawling with all his might, comprehend nothing that was spoken to him; but he certainly swore what we have stated.

Having finished the dark deed, the Raja seems to have recovered from the effects of his irritation, and began to contrive means to procure the concealment of the murder he had perpetrated. He prevailed on the people about him and in the place (all his ryots) to give it out that Kokeen had died of cholera; and in which attempt to hush up the foul affair, the Suzawal of police of that part of the country, plainly under the control or in the interests of the Raja, takes a conspicuous part.

The Raja, a young man of about 25 years of age, pleads not guilty, and mentions the story of Kokeen's having died by cholera. The four accessaries try to excuse themselves as well as they can; but give a very clear and particular detail of the progress and consummation of the catastrophe. One of the witnesses, Seeban Dhanuk, to our astonishment, spoke the Hindoostanee remarkably well, though he was an inhabitant of the foot of the hills, a site usually occupied by *Sonaters*, *Bhoonies* and other semi-savage races that have branched out from the great trunk of highlanders occupying the huge range that extends from Behar to the Deccan. But this witness also prevaricated a good deal, and the Court found it necessary to warn him of the serious consequences of being found guilty of perjury. Some of the witnesses being *Pukharas*, were sworn on a little salt put on a knife and washed down into their mouths; while others were sworn on a piece of tiger's skin put in their hands. It was mentioned by some of the witnesses, that the young Raja had exhibited unequivocal signs of distraction, whether as a hereditary malady, or produced by constant addiction to excessive drinking. The words used to express this distraction were *burhwa* (want of self-possession) and *buhuka*, (straying;) states of mind which might, it is most probable, have been occasioned by the inordinate use of ardent liquor which Seeban Dhanuk called brandy from the colour of it, but the

liquor was evidently in the highland is of this part of India, that which whisky is in Scotland, namely, *mahooka shurab*, a liquor distilled from the flower of the *bassia latifolia*, and sold to an enormous extent all over Hindoostan, to the great misery of the people, but with great advantage to the resources of the state. This is not the first nor the nine hundredth and ninety ninth instance of murder resulting from the practice of drinking licensed ardent spirits. The description of liquor represented to have been used was remarkably strong or double distilled, called by the witnesses *chowance* (or four annas a bottle.) This in Bengal would be called *dertushuk* or vulgarly *dosets*, sufficient unquestionably to drive the most sober head into utter rabiidness. The Raja's sanity being called into question, the civil surgeon, who had observed him attentively since his imprisonment on trial, was called

upon to depose to the real state of his intellects, which he did, stating that he had carefully examined his looks, manners, and replies to questions put to him, and saw no indication of insanity. The law officer produced his *futwah* purporting that the prisoners Maujea, Pulta Gopal, and Beeso Goryt, were proved to have aided Koonwur Chundun Singh in killing Kokeen, and were deserving of discretionary punishment by *tazeer*; and that Koonwur Chundun Singh was found guilty of the wilful murder of Kokeen, and was worthy of the extreme penalty of the law; (*aqoobut-i-shuddud*), and may therefore be punished capitally. The court coincided in the verdict of the law officer and ordered the *roosdud* to be forwarded to the Nizamut Adawlut for final orders.—*Hurkaru*, January 23.

## SUDDER DEWANNY ADAWLUT.

### CIRCULAR ORDERS.

#### NO. 3156. ORDINARY COMMUNICATIONS TO THE SUDDER FROM NATIVE JUDGES HOW TO BE FORWARDED.

Considerable inconvenience having been experienced in consequence of the native judges addressing the Sudder Dewanny Adawlut, direct, on various subjects connected with their official situations by the public dawk, the Court have instructed the Judges to direct the native subordinate judges to submit through the zillah Judges any communication they may desire to lay before the Sudder Court.

It is to be understood, that the above rule is intended to afford the zillah judges an opportunity of recording, whenever they may deem it necessary, their own sentiments on the references which may be made by the native judges.

The zillah Judges have also been desired to explain to the native Judges, that the above rule is not to be considered as applicable to appeals preferred by them against any orders passed by the zillah Judges. Such appeals will continue to be preferred in the usual manner on stamp paper and through a regular vakeel or agent.

#### NO. 2897 DECREES OF THE CHANDERNAGORE JUDGE TO BE EXECUTED BY THE ZILLAH COURTS

On a reference from the Civil Court of the 24 Pergunnahs, the Sudder Dewanny Adawlut have ordered that the decrees of the Judge of Chandernagore Court shall be executed through the officers of the zillah Court provided there be no apparent irregularity in the proceeding connected therewith.

#### NO. 3764 CORRESPONDENCE OF NATIVE JUDGES WITH NATIVES OF RANK.

The Sudder Dewanny Adawlut have circulated the following instructions to the several zillah Judges on the subject of the mode of address to be adopted by native judges when corresponding on matters of business with natives of rank.

1st. Principal Sudder Ameens will correspond direct by Roobocaries with all covenanted officers of Government, except the Secretaries to Government, the Sudder Dewanny Adawlut, the Board of Revenue or any military officers in regard to whom the present practice is to be continued.

2d. Sudder Ameens and Moonsiffs, will forward all communications to covenanted officers as heretofore, through the European Judges except communications

to such officers as are parties to suits before them, in which case, they will be addressed direct to the officer whom they may concern.

3d. The native Judges of every grade will correspond direct with natives of rank.

It being desirable that an uniform mode of conducting public correspondence should be introduced into all the Mofussil Courts, the attention of the zillah Judges has been requested to the practical application of the rule above laid down for the regulation of the correspondence of Principal Sudder Ameens with covenanted officers, the result of which the Judges have been requested to communicate on the expiration of six months, together with their opinion as to the expediency or otherwise of extending the same privilege to Sudder Ameens and Moonsiffs.

In communicating the above instructions to the native Judges, the zillah Judges have been particularly desired to impress upon them the propriety of observing a proper respect towards all natives of rank, with whom it may be necessary to correspond on official matters, and addressing them in the form and style employed on like occasions by the European judge of the district. In like manner natives of rank will be required to pay proper respect to the native Judges, adopting as a general rule the form of address laid down in the Courts Circular of the 14th December, 1832, No. 74.—*Hurk.* Jan. 19.

### CIRCULAR ORDERS.

#### NO. 3081.—UNSTAMPED POLICIES OF INSURANCE.

An instance having been brought to the notice of the Sudder Dewanny Adawlut of unstamped policies of Insurance being received as legal evidence, although the court have no reason to believe that such an irregularity prevails a extant, they consider it proper to direct the attention of the Zillah Judges to the entries Nos. 42 and 43 in Schedule A, Regulation X of 1829, with a view to prevent any instruments of the kind being admitted as evidence, except when they bear the prescribed stamp.

#### NO. 3127.—TRANSFER OF CASES FOR TRIAL BY NATIVE SUBORDINATE JUDGES.

We have to remind our readers, that from the 1st of January, 1837, Act XXIV of 1837, took effect, and under its provisions the Sudder Dewanny Adawlut have issued the following instructions to the Zillah Judges.

The court have directed the immediate transfer from the files of the Judges, to those of the Principal Sudder Ameens and Moonsiffs, of all suits in which the Government or its officers may be a party, and in which the

amount of value of the property sued for, may not exceed 5,000 rupees. The zillah Judges are of course competent to retain under Sections VI, and Regulation XXV 1831, any of the above suits on their own files, provided they see sufficient grounds for so doing; but in reporting to the court (which they have been requested to do within fifteen days) the execution of the present orders, the Judges have also been requested to submit a list of all the suits, that they have so retained, and to explain their reasons briefly for doing so.

The zillah Judges have in like manner been directed to transfer to the file of the Principal Sudder Ameen all suits preferred under Clause I., Section XXX, Regulation II, 1819, retaining however on their own file, any suits of the above nature, that they (the Judges) think ought to be tried by the Judge, submitting a list of the same, and their reasons for having retained the cases. All suits thus referred to a Principal Sudder Ameen have been directed to be sent as heretofore to the collector of the district for investigation and report; the collector on closing his proceedings will transmit them under Clause VI, Section XXX, Regulation II, 1819, to the Principal Sudder Ameen for decision.

The Act now passed authorizes the Judges, subject of course to the general controul of the Sudder Dewanny Adawlut, to refer any suit above the value of 5,000 rupees to the Principal Ameen for trial. The Superior court have requested the zillah Judges to exercise this power with a sound discretion, and their attention has been called to the following illustrations:

1st.—No suit above 5000 rupees shall be referred to a Principal Sudder Ameen, in which the documentary evidence may be in the English language, or may involve points of English law, unless such Principal Sudder Ameen is acquainted with the English language.

2d.—On referring any suit to Principal Sudder Ameen above the amount of 5,000 rupees, the Judge will report to the Superior court that he has done so agreeably to a form marked A\*.

3d.—The Principal Sudder Ameen will forward to the Judge in publicate a Persian statement as per form marked B, of all suits above the amount of 5000 rupees, that may be pending in his file at the end of the month, and another as per form marked B of all suits above the amount of 5000 rupees, that may be pending in his file at the end of the month and another as per form marked

\* The forms that have been circulated will not bear abridgement, but we shall furnish them for the Calcutta monthly Journal.—*Reporter*.

C of all suits above the amount of 5,000 rupees, that may have been decided or disposed of by him during the month. One of each of the above statements will be forwarded by the Judge to the court with the monthly returns, the other will be retained for record in the Judge's office.

4th.—All summary appeals from the decisions of Principal Sudder Ameen will be made direct by the parties to the Sudder Dewanny Adawlut.

5th.—All petitions for regular appeals will be preferred direct to the Principal Sudder Ameen, who will make up the original record in the manner prescribed by Regulation VI of 1793, Section XI. The package containing the record of the case is to be addressed to the Registrar of the Sudder Court, and it is in the first instance to be sent under the official signature and seal of the Principal Sudder Ameen to the zillah or city Judge, who having had the parcel properly secured from wet agreeably to the circular orders No. 67 and 70, dated the 19th September, 1823, and the 21st May, 1824, will at once forward it with the usual certificate to the Registrar of the Sudder court. The copy of the record which is required to be made by the regulation last quoted, is to be deposited for safe custody in the office of the Judge.

6th.—All applications for revisions of judgment in suits above 5000 rupees will likewise be made to the Principal Sudder Ameen, and when recommended to be admitted, that officer shall proceed agreeably to Section XIX, Regulation V of 1331, and the application shall be forwarded by the Judge to the Sudder Dewanny Adawlut.

7th.—Precepts from the Sudder court will be either sent direct to the Principal Sudder Ameen, or to the Zillah Judge as may be deemed most expedient; but all returns, unless specially directed otherwise, will be submitted by the Principal Sudder Ameen to the Judge for the purpose of being transmitted by him with the usual certificate to the Sudder Dewanny Adawlut.

NO. 3328.—UNSTAMPED SECURITY BONDS DECLARED INADMISSIBLE AS EVIDENCE AGAINST SURETIES.

It having been brought to the notice of the Sudder court, that a practice obtains in some districts of admitting as legal evidence security bonds written on the same sheet of paper with the Principal Deed, where the stamp used was only of the value required for the latter instrument; as the superior court consider the practice as clearly erroneous, they have declared them wholly inadmissible as evidence against sureties. The Zillah Judges have been requested to make this circular known to be lower courts.—*Hark. Jan. 30.*

## SUDDER BOARD OF REVENUE.

### CIRCULARS,—SECTIONS VI. AND IX. REGULATION XIX. OF 1793.

No. 77.—The Officiating Secretary to the Sudder Board has informed the Revenue Commissioners, that the Board having had occasion to observe that the provisions of Sections VI. and IX. Regulation XIX. of 1793, have been overlooked by settlement officers and Commissioners, have directed him to draw their attention to the subject, and to point out to them, that vested as they are with the powers of the late Board of Revenue, they are competent to dispose of cases of the nature therein provided for without reference to the Sudder Board.

That the Commissioners will readily perceive, on a careful perusal of the Sections above noticed, that, the Government settlement officers will have to deal with such cases, only when the Revenue of the lands may be

payable to the state. On such occasions a separate settlement statement will not be requisite, but the jumma which may be assessed on the lands to be held as a dependent talook, will be included in the gross assets forming the basis of settlement of the estate to which they (the lands) belong, whenever that settlement may be concluded and submitted for the sanction of Government.

The Commissioners have also been requested to issue appropriate instructions to all the settlement officers in their respective divisions for their future guidance.

### DUTIES OF REVENUE COMMISSIONERS, AND IMPORTANT AS TO SETTLEMENTS AND SPECIAL APPEALS.

No. 78.—Mr Secretary Manglar, on the 10th of Oct. last, transmitted for the information and guidance of the Board a copy of correspondence, and requested



the Board to take the necessary measures for carrying the views of the Supreme Government into effect. This communication also directed that the Commissioners should be required to furnish to the Board a quarterly return of settlements, including forms, as now sanctioned by the Board confirmed by them, one transcript of which ought to be sent by the Board to the Revenue Accountant, and another to Government with any remarks that they desire to offer.

From an extract of a letter from Mr. Secretary McNaughten, dated the 29th April last, it appears he was directed to observe that it appears highly desirable that means should be resorted to for lightening the labors of the officers in the Revenue Department, Mr. McNaughten went on to observe, that at present it would seem that there is a needless waste of supervision in that department, the same work being in fact performed three times over, first by the Collector, then by the Commissioner, and lastly by the Sudder Board; that His Lordship, however, would not delay that letter by entering into details which will best be arranged by the Right Hon'ble the Governor. Mr. McNaughten was, however, desired to suggest that the Collector's report confirmed by the Commissioner, might in some instances be admitted to be final, but if this should be found to be objectionable, His Lordship in Council requested that early attention may be given to the practicability of shortening and simplifying the settlement reports, and thought that for this purpose it might probably be well to refer to the forms in use in the Western provinces, and to the practice adopted in regard to them.

By a letter from Mr. Secretary Mangles of the 13th June last, to Mr. Secretary McNaughten, the former was directed by the Right Hon'ble the Governor of Bengal to request the latter to submit to the Supreme Government, an explanation of the existing rules, for the revision and report of detailed settlements, and of His Lordship's views in regard to the points noticed in the passage of Mr. McNaughten's communication above abstracted.

The form in which settlements conducted under Regulations VII of 1822, IX of 1825, and IX of 1833, are reported by the assessing officers in the Lower Provinces, is simpler (says Mr. Mangles) and more concise than that in use within the jurisdiction of the Sudder Board of Revenue at Allahabad, that is to say (observes Mr. Mangles) the statement prescribed by the Calcutta Boards, orders of the 12th November, 1833, of which a few specimens were submitted, and which was drawn up after a careful examination of the returns devised by the Western Board, admits of the record of all the necessary facts with regard to a single mouzah, in a more compendious shape, than the latter, whilst it does not appear to omit anything of which it is essential that the superintending authorities and eventually the Government should be informed.

But the form in question (says Mr. Mangles) is confessedly not suited to present a comprehensive view of the Agricultural resources of a large and continuous tract of country, which was the object for which the Sudder Board at Allahabad had to provide; nor with the single exception of Cuttack, is there any such tract, open to assessment, under jurisdiction of the Lower Board; but on the other hand, the officers engaged in assessing resumed or lapsed, or purchased mahals in permanently settled districts, have in some important respects, a more arduous task than those employed in the general settlements of the western provinces, because they have no data whatever, but those of their own acquisition, to proceed upon, and are therefore necessarily compelled to institute much more minute and careful enquiries, in order to ascertain the proper basis of settlement, in the real amount of rental received by the malgoosars, than those who have the records of former settlements, a knowledge of the case or difficulty with which the revenue has been collected during the past

seasons, good and bad, and the testimony of a very superior class of native officers, (the tahsildars) possessed of great local knowledge to direct them.

Under the circumstances above described, it being understood that the Revenue Authorities in the western provinces rely far more, (in determining the proper amount of jumma to be paid by a mahal or pergunnah) upon the evidence above adverted to, than upon present local enquiries, and that with such evidence to guide them, they form rather general averages for considerable tracts of country than scrupulously assess particular villages, and can do this with safety; it is evident, that the settlement of a single mouza is a permanently settled district, which has either never been upon the public rent roll, or if a purchase by Government, was engaged for at the period of the decennial settlement, without any investigation of assets, must necessarily require far more labor and attention, to preclude fraud, or even to ensure satisfactory certainty, in regard to a proceeding of so much importance to the well being of large classes of the people, than a similar operation within the jurisdiction of the Western Board.

These facts (says Mr. Mangles) which probably satisfy the Supreme Government, that the forms and modes of procedure in use in the Western Provinces, would not be generally applicable to the districts of the permanently settled provinces, when only detached Mahals, (though in some instances very numerous) are to be assessed. Mr. Mangles goes on to state, that as regards Cuttack, His Lordship has long been anxious to reduce the bulk, and simplify the nature of the settlement returns, to which most desirable end, however, the peculiarities of the under tenures obtaining in that Province are seriously opposed. With a view, however, to its attainment to the utmost feasible extent, the Governor has recently obtained from the Hon'ble the Lieutenant Governor of the North Western Provinces, a specimen set of all the returns as I reports furnished to the Board at Allahabad, by every class of their subordinate officers employed in the formation, or revision of detailed settlement, and by the Board again to Government, and these it is His Lordship's intention to forward to the Board in Calcutta, in order that, in communication with Mr. Commissioner Ricketts, they may devise the simplest practicable scheme for recording and reporting the new assessment of Cuttack.

With reference to the extraordinary manner in which the lands in Chittagong are intermixed, and the fact that patches only here and there are now being brought under settlement, His Lordship does not desire to interfere with the arrangements which the very able and experienced revenue officers of that district deem most expedient.

With reference to the remark expressed in the 2d paragraph of this circular, "that there is a needless work of supervision in the Revenue department," Mr. Mangles says, that His Lordship would submit, that of late settlements have not been revised by the Commissioners with exception of a small number which they were directed to retain, in order to test the work of each assigning officer, but have been handed direct by the Board, who undertook the duty, in order to relieve the commissioners, and to obviate delay. This plan which was originated by that zealous and indefatigable officer Mr. C. W. Smith, could scarcely, as experience has proved, have succeeded, if he had been permitted to remain at his post to carry it into effect; but in the actual course of events, it has, as the Supreme Government are aware, decidedly failed. It was in fact (says Mr. Mangles), only expedient to shift labor from one overburthened class of officers to an individual, not less burthened, but whose energy was very great, who voluntarily proposed to undertake the arduous duty, and who had certainly far more and better subordinate assistance than the commissioners, measures have been taken to enable the Board to dispose of all arrears; and, if, as His Lordship understands, it

is the intention of the Supreme Government to relieve the Commissioners of revenue altogether from judicial functions, they ought to be well able to superintend all settlement business, and to revise the returns of the assessing officers, although business of that nature will be extremely heavy during the next four or five years.

These returns, under existing rules (Mr. Mangles observed), and be handed up to Government only when the parties entering into engagements or entitled to that immunity in perpetuity, when such a party is recusant, and a temporary settlement is, consequently, concluded with another, to his exclusion, or when the term of a temporary settlement or farm exceeds twenty, or if a ryotwar settlement, ten years—all other settlements the Sudder Board are competent to confirm, submitting to His Lordship an annual schedule of all leases granted by them. When the proceedings of the assessing officers are well examined and tested by the commissioner, the labor imposed on the Board, whether they forward the papers to Government, or themselves dispose of them under the rules above described, will be comparatively light and they have been specially authorized to report all settlements requiring His Lordship's sanction, but not presenting any novel features, or involving any important principle, not already discussed and settled, in the briefest possible abstract shape.

Upon the information now submitted, the Governor (says Mr. Mangles) will gladly receive the instructions of the Supreme Council, if they think that any of the checks described could be dispensed with, or any part of the business, forming, arising, or confirming settlement be abbreviated. He apprehends, that the Hon'ble the Court of Directors would not be willing that the power of sanctioning settlements in perpetuity should be delegated to any authority subordinate to his own. The Governor-General in Council is doubtless well aware, how often and how strongly the injunctions of the Hon'ble Court against granting permanent tenures to persons not absolutely entitled by the law to that immunity have been repeated, and it frequently occurs that settlements are reported to him by the Board for confirmation in perpetuity, which the strictness of these orders compels him, on an examination of the claims of the Malgouzars, to limit to a term of years. Twenty years (says Mr. Mangles) is probably long enough for any lease not of a Junglepooree nature, and the latter are, of course, special arrangements. By recent orders, leases granted to the exclusion of recusant maliks have been restricted to years; those perhaps the Board might be allowed to sanction, and the license as to ryotwar settlements might safely be extended to twenty years. No other measures of relief occur to His Lordship.

By a communication from Mr. Secretary McNaghten, addressed to Mr. Secretary Mangles, dated the 9th October last, the former was desired to state, that the Governor-General in Council is not prepared to suggest any abbreviation in the forms now used in refusing settlements; but His Lordship in Council is of opinion, that, generally, the proceedings of the assessing officer (although not the Collector of the district) should go direct to the commissioner, that the commissioner should be vested with the powers of confirmation now belonging to the Sudder Board, subject to a special appeal to that Board on the part of any person deeming himself aggrieved, or to a special reference on sufficient cause shewn at the instance of the settling officer, and should be empowered to mention leases for terms not exceeding ten years, granted to the exclusion of recusant maliks.

It was proposed in Mr. Mangles' letter, that the above power should be conferred on the Sudder Board; but His Lordship in Council is of opinion that it might safely be exercised by the Commissioners, and that the duties of the Board should be chiefly confined to those of general superintendence and control, including of course the cognizance of appeals from the proceedings

of the Commissioners involving complaints of gross irregularity, or security of assessment.

The power (says Mr. McNaghten) of sanctioning settlements in perpetuity, or for long terms of years, on the report of the Sudder Board, should remain with the Government as heretofore.

His Lordship in Council concurs with the Right Hon'ble the Governor in thinking that the license, as to sanctioning ryotwar settlements, may safely be extended to twenty years, and that this power also, should subject, as before, to a special appeal, be confided to the Commissioners.

The Board, in conformity with orders above given, have directed all the Revenue Commissioners to confirm the following settlements, and to promulgate in manner likely to give general information the license given to appeal to the Sudder Board.

1st. Ryotwar settlements for a period not exceeding twenty years.

2d. Temporary settlements, or forms of mehals of which the maliks or persons entitled to a settlement in perpetuity, are recusant and therefore excluded, for a period not exceeding ten years.

3d. All ordinary settlements for a period not exceeding twenty years.

4th. All temporary settlements preparatory to a permanent one.

Settlements confirmed under the above orders being all subject to a special appeal to the Board on the part of any person deeming himself aggrieved, and to a special reference on sufficient cause shewn at the instance of the settling officer.

We call the particular attention of the Reformer to the above circular order and strongly recommend that the *Canichar Durpan*, the *Gyananashun*, and all the other native papers should immediately publish translations of it, to enable the zemindars and tenantry to understand the meaning and extent of the orders contained in it.

#### NO. 79.—SHERISHADARS HELD RESPONSIBLE FOR ERRORS IN THE ADVERTISEMENTS OF SALES.

To prevent the frequent occurrence of errors in the advertisements of sales, Mr. Officiating Secretary Dunbar, under the instructions of the Board, has requested the revenue commissioners to issue instructions to their subordinates to hold the Sherishtadars of their respective offices responsible for the advertisements of sales being correct, and for the balance, for the realization of which an estate is advertised, being due one month before the advertisement is published.

#### NO 80.\*—TENDER OF COMPROMISE UPON THE PART OF GOVERNMENT TO LAKHIRAJDARS.

Mr. Officiating Secretary F. J. Halliday, on the 7th November last, with the view of giving effect to the wishes of the Hon'ble the Court of Directors, was directed by the Hon'ble the Deputy Governor of Bengal to request that the Board will call upon the several special collectors for an immediate report, whether a tender of compromise, upon the part of Government, on equitable terms, would be generally or largely acceptable to the Lakhirajdars, and if so, what terms should in their judgment be offered.

The Board were also requested to submit their return to this requisition with the least practicable delay.

The Board have furnished the Commissioners of the divisions noted below with copies of the above communication, and have requested them to call on the Special Deputy Collectors for the reports required.

\* This circular is not general, but only promulgated to the Commissioners of Bankeah, Bhawalpore, Chittagong, Cuttack, Dacca or Jemore, Moonsabad and Patna.—Report.

## No. 81\*.—RETURNS OF THE SALES OF ESTATES.

Mr. Officiating Secretary Dunbar, under the directions of the Board, has requested all the revenue Commissioners to call on the collectors within their Divisions to submit returns of all the sales of Estates which have taken place within their respective divisions during the years 1835, and 1836, and of the number of these sales which have been confined or otherwise finally disposed of within those two years respectively.—*Hurkeru, January 6, 1838.*

*Consultation, Friday, the 9th January, 1838.*

## APPOINTMENT OF MR. M. A. BIGNELL.

Mr. Officiating Secretary Holliday, on the 7th November last, in reply to the address of the Board No. 555 of the 4th instant, informed them, that the Hon. the Deputy Governor of Bengal, was pleased at their recommendation to appoint Mr. M. A. Bignell to be their deputy in their (the Board's) capacity of superintendent and remembrancer of legal affairs, on a salary for the first year of 500 rupees per mensem, and a per centage on the value of the suits which may be conducted by him in person, and decided in favor of Government, agreeably to the scale laid down under the orders of the 21st August 1828, for the Government Agent in the court of the special commissioners. But, (said Mr. Halliday) this scale of remuneration must be left open to revision, in order to its increase or reduction, as it may appear from the result, which the Board were requested to report at the end of that period, to be either too low, or too high.

The Board on the 14th of November forwarded copies of the above orders to the presidency special commissioners, and to Mr. Bignell, informing the former, that Mr. Bignell would conduct all cases on the part of Government, and the latter to attend to receive instructions previous to entering on his duties: but the Special commissioners, Messrs. T. H. Maddock, and E. R. Barwell, on the 16th of that month, addressed the Board enquiring what construction the Board put on the Government orders of the 7th November, as if they considered them to mean that Mr. Bignell should attend personally and conduct the suits in their court in which Government are parties, that the special commissioners would point out to Government the objections, which in their opinion existed to such an arrangement.

In reply to the above, Mr. Officiating Secretary Dunbar, on the 28th November last, informed the commissioners, that the Board considered the orders of Government to imply that Mr. Bignell should plead in person in the special commissioners' courts in all cases in which the importance of the matter at issue, or any other circumstances may seem to demand his personal attendance, and that Mr. Bignell could use his discretion, as to the conduct of all other cases, either in person or by deputy, the responsibility resting wholly with himself.

After receipt of the above, the special commissioners wrote Government, stating their reference to the Board, and urged the following objections to the appointment of an English gentleman to plead in their court on the part of Government,

According to the Board's interpretation, though in principle (observed the special commissioners) the objections that suggest themselves to the constant presence of an English gentleman as the Attorney of Government in their court may be mainly obviated, the principle in which they deem it objectionable remained unaltered. For (said they), Government is aware, that according to Regulation 111, of 1828, by which the commissioner's court is constituted, and the rules of practice by which under that Regulation the commissioners are guided,

the written pleadings (observed those gentlemen) comprise in almost all cases the entire argument on which judgments is to be passed on the decision of the resuming officers. The presence of pleaders on either side, excepting as a matter of form, and for the satisfaction of the court that its judgments are heard *visu voce* before being embodied on its written decrees, is in most cases of no essential necessity, and to this circumstance may probably be attributed that, as there are no licensed vakils or pleaders attached to their court, and parties opposed to Government are, by rule 26 of the rules of practice, prescribed by the Regulation allowed to appoint any agents, whom they please, to represent them before the special commissioners, their agents are, for the most part, uneducated men, possessing very little knowledge even of the few regulations applicable to resumption suits, whose services we obtained at a trifling cost compared to the value of the stake at issue. But, (said the commissioners) to whatever cause it may be attributed, it is an undoubted fact that the native pleaders in our court are of a very deficient and inferior order of men to those employed in the Sudder Dewanny Adawlut, or any Judge's court in the mofussil. The Native Government pleader, Hurriachunder Kur, who has lately been discharged, was the only exception to this description, and his superiority over the other pleaders (observed the commissioners) was sufficiently evident as a security for the interests of Government, without liability to a suspicion that he was allowed to sway the judgements of the court. If (said the commissioners) to such, or far greater superiority in talents and acquirements, in an European agent were added, the circumstance of his being a gentleman, living in the same society as the Judge before whom he pleaded, with the advantage of verbal communication with the Judge in a language unknown to the other parties present, there is reason to apprehend that such suspicion might not always be wanting.

But (said the commissioners,) believing as they think it may be admitted, that in reality it can make little difference in the issue of a cause whether Government is represented by a native or European agent, during the reading of papers and passing orders to the appeals before them, it seems on every account inexpedient that they should admit the appearance of an advantage on the side of Government, which in the minds of the people would be implied from the attendance of an European agent to oppose the native agents employed in their court, and they respectfully submitted to the Hon'ble the Deputy Governor the inexpediency of a measure so calculated to increase the unpopularity of the resumption laws, and to affect injuriously the character of the final appellate court in which they are administered without in any way promoting the interests of Government in the protection of its just rights in cases under adjudication.

Although (observed the commissioners) in their judgment it would have been preferable that the Deputy Superintendent and Remembrancer of legal affairs should have been excluded altogether from attendance as a pleader in the courts, of the special commissioners, the objections which they have urged to his constant attendance would not exist to his occasionally appearing in cases of importance where European, or other equally well qualified agents have been employed by a party opposed to Government. But if the views of the Board in this report coincide with the intentions of Government, the commissioners begged leave to suggest, that the option of attending ought not to be discretionary with the deputy. It (said they) should be contingent on the sanction of the special commissioners notified to him, on his application to attend in any case in which he deemed such a course advisable.

The commissioners concluded by observing, that from their experience of the conduct and abilities of Mr. Bignell as a pleader on the part of private individuals, they

\* A form has been annexed to this circular.—*Reporter.*

felt assured that his personal attendance in their court would have been satisfactory to them individually, and might have tended to facilitate their proceedings, advantages which they should not have wished to forego but for the reasons above stated.

Mr. Officiating Secretary Halliday, on the 26th December last, informed the special commissioners, that the Hon'ble the Deputy Governor was at the outset indisposed to agree with them in opinion that their proceedings would for the most part be conducted quite as well without, as with agents and pleaders, and until (says Mr. Halliday) the Deputy Governor shall learn that pleaders and good pleaders, are unnecessary in the Sudder Dewanny Adawlut, the proceedings of which court are in all essential respects the same as in the commissioners, he will continue to think that the presence of a good bar has a wholesome effect even upon a good bench, and that the character of no court is so little likely to be compromised, as that in which the pleaders are upright, intelligent and independent.

If (continued Mr. Halliday), as stated by the commissioners, the agents usually employed in their court do not answer to the character, the Deputy Governor thinks it very probable that the low standard of qualification hitherto deemed necessary for the Government agent in the Commissioner's court, may have had no small share in producing such a state of things. But his Honor (continues Mr. Halliday) is rather inclined to believe that the character of the Commissioner's bar, was, and is greatly improving. Mr. Bignell himself, whose efficiency the Commissioners have admitted, was, it is understood, in good practice in their court before his present appointment, Mr. Baillie, who, like Mr. Bignell, is a pleader in the Sudder Dewanny Adawlut, who is believed to possess high qualifications, and was indeed one of those persons selected by the Sudder Dewanny Adawlut for the situation of Government vakeel in that court, practices in the Commissioner's court, his Honor is informed, with considerable and increasing success, and there are others in practice there, of whose abilities a favorable report is made. It seems (said Mr. Halliday) reasonable to expect, that the number of such pleaders will now increase, as they have increased in the Sudder Dewanny Adawlut, and the Deputy Governor is apt to believe that the employment of Mr. Bignell on the part of Government, will create a demand by opposite parties for the aid of skill and talents in the prosecution of their appeals, and that thus, the evil of an inferior bar, complained of by the commissioners, will, through the very means which they at present deprecate, be at an early period removed from their court.

That Mr. Bignell's employment (continued Mr. Halliday) as a Government Agent in the commissioner's court, would tend, or be supposed by the public to tend to sway the judgment of the commissioners, His Honor never apprehended; and he has too high an opinion of the functionaries who preside in their court, and of their estimate with the public, to admit that any such apprehension need be entertained.

In concluding Mr. Halliday observes, that, after giving to the arguments urged by the commissioners, all the consideration to which both for their motives, and the authority from which they emanate they are entitled, His Honor is unable to concur with the Commissioners, that there exists any necessity for altering the course originally intended, and now pursued by the Sudder Board of Revenue in regard to Mr. Bignell's precedings.

The Board, on receipt of the two preceding communications, ordered their record, and that Mr. Bignell should be supplied with a copy of the whole of the correspondence.—*Hurkaru*, January 17.

## CIRCULAR ORDERS, 1838.

### No. 2, ACCOUNT SALES OF LANDS SOLD FOR ARREARS OF REVENUE.

The Sudder Board of Revenue having had occasion to remark that the account sales of lands sold for arrears of revenue, transmitted to them are seldom alike in form, have furnished the revenue commissioners, with a view to uniformity in future, with a blank statement for adoption in the several collectorates comprised in their divisions.\*

### No. 3, A KNOWLEDGE OF THE PERSIAN LANGUAGE DECLARED UNNECESSARY FOR THE OFFICE OF DEPUTY COLLECTOR UNDER REGULATION IX. OF 1833.

Mr. Officiating Secretary F. J. Halliday, on the 19th December, 1837, informed the Board that in the opinion of the Hon'ble the deputy Governor of Bengal a knowledge of the Persian language does not appear to be a necessary qualification for the office of Deputy collector under Regulation IX. of 1833.

The Board have communicated the above order to the revenue Commissioners.

### No. 4, DEPUTY COLLECTORS APPOINTED UNDER REGULATION IX. OF 1833, MUST BE ABLE TO READ AND SPEAK THE VERNACULAR LANGUAGE OF THEIR RESPECTIVE DISTRICTS.

Mr. Officiating Secretary F. J. Halliday, on the 28th November last, informed the Board that it appeared desirable to the Hon'ble the Deputy Governor of Bengal for obvious reasons, that deputy collectors under Regulation IX of 1833, should possess at least a tolerable ability to read and speak the vernacular language of the districts to which they may be appointed. The Board have also been directed in future before submitting nominations of individuals to such situations, to satisfy themselves of the qualifications of the nominees in this respect, either through the local officers, or where the nomination may be by the Board, by examination at their own office of the candidate's acquirements. The results of such enquiries, or examinations, are to be reported with the nomination for the deputy Governor's consideration.

The Board have circulated the above orders among the revenue Commissioners, and have instructed them that the orders ought to have a retrospective effect, and to ascertain through the several Collectors, and inform the Board of the names of those Deputy Collectors subordinate to them, who may not be able to read and speak the vernacular language of the district in which they are employed, and to inform those individuals that their removal will be recommended, unless within six months succeeding the communication of the orders, to that effect, they attain this indispensable qualification.

### No. 5, how COMMISSIONERS OF REVENUE SHOULD ISSUE ORDERS ON THEIR SUBORDINATES.

The Board, on the 16th instant, instructed the Revenue Commissioners that whenever they may have occasion to communicate to any of their subordinates an order, requiring any particular duties to be performed, or any forms to be substituted for those in previous use, that the Commissioners will exact from such officer a declaration in answer that the order given him, has been duly carried into effect.

\* We shall furnish the statement in the *Calcutta Monthly Journal*.—*Reporter*.

No. 6, KISTS TO BE REGULATED FROM THE 1ST MAY 1837.

It having been brought to the notice of the Sudder Board of Revenue that, in one of the district's within their jurisdiction, proper attention has not been paid to the Board's Circular orders of the 6th September 1836, directed that Kists should be regulated from the 1st May, 1837, according to the English months and not those of the native calendars, the Board have requested the revenue Commissioners to report for their information whether those orders have been duly carried into effect in the several districts within the division of their respecting commissioners.

No 7, HEAD ASSISTANTS, OR CLERKS TO THE REVENUE COMMISSIONERS, NOT ALLOWED TO SIGN LETTERS ON BEHALF OF THOSE OFFICERS.

By an extract of a letter from the Secretary to the Government of Bengal dated the 18th October last, it appears that Lord Auckland did not think it expedient to authorize the head assistant to the commissioners to sign letters on behalf of those officers. His Lordship remarked that the clerks had already been authorized to authenticate all copies, and to frank all letters issued from the commissioners' office on the public service.

By an oversight in the Board's office the above orders were not communicated to the Revenue commissioners before the 16th instant.—*Hurk. Jan. 31.*

## MISCELLANEOUS.

### CALCUTTA.

**MR. MARTIN.**—The Deputy Governor of Bengal has ordered the removal of Mr. C. R. Martin, the Judge of Hoogly, and his being placed on the allowances of a senior merchant out of employ. The charges brought against Mr. Martin, are considered to have been so far established by the investigations held by Mr. W. W. Bird, that His Honor considers it inexpedient to continue him in the high office he held. Much praise is bestowed by His Honor on Mr. Lewis, who first brought to notice the reports affecting Mr. Martin's character which were current in the Hooghly district. Some further investigations, it is supposed, are to take place.

**SILVER MUG TO SERJEANT MAJOR COBLY.**—Serjeant Major Cobly, of H. M.'s 9th Foot, being about to proceed to England, to take the pension, the officers of the regiment, in token of their sense of his services, have presented him with a silver mug, gilt inside, bearing a highly complimentary inscription. The commanding officer, Colonel Macaskill, Major Barnwell, and the adjutant of the regiment, addressed letters to him expressive of their approbation and good will.

**THE CIVIL SERVICE—ORDER OF MERIT.**—It is said that the Court of Directors have hit upon a new and very ingenious expedient for the effecting of a further saving in the salaries of their Civil Servants. It is in contemplation to establish an Order of Merit to be conferred on the distinguished, or rather on the *to-be-distinguished* Members of the Service, and in as much as honors have their worth and intrinsic value, in the estimation of their wearers, the opening to their servants of this new road to honor, is to be accompanied, simultaneously, with certain farther clippings and reductions of salary.

**MR. F. C. SMITH**—Mr. F. C. Smith, the Superintendent of Police for the Bengal Presidency, embarked on board of the *Jellinghes*, and proceeded up the river, to join his establishment at Guyah and commence the duties of his office.

**THE NOVENA**—The Novena was celebrated at the Roman Catholic Church at Howrah, by Fr. Paul da Gradoly. The Church was brilliantly illuminated on the occasion, and after service, a few fireworks were let off, but not half so many or so good as we were led to expect. The scantiness of the pyrotechnic exhibition, shows the good sense of the managing Padres, as it evinces that he knows to make a better use of money, than to waste it on such vain shows.

**THE FREE SCHOOL CHURCH.**—In consequence of certain alarming fissures in the walls of the Free School, or St. Thomas's Church, the Governors called upon Lieutenant Abercrombie, of Engineers, attached to the Conservancy Department, to examine and report upon the edifice. He has given it as his opinion that the whole of the western face would long ago have come down in a crash if it were not for the belfry, which acts as an abutment in support of that portion of the building. The Governors of the school consequently met on the 11th instant, to look into the extent and nature of that injury, and having satisfied themselves that some measures should be immediately adopted to guard against the probable contingency of the building giving way, have called upon Mr. Parker, the original builder, to take down that part of the Church, and have the necessary repairs effected, the whole to be conducted under the skilful superintendence of Major Hutchinson, of Engineers.

**SCHOOL AT BURDWAN.**—Government has sent instructions to the Magistrate at Burdwan for the erection of a school in that district, and also to ascertain how far its wealthier inhabitants are disposed to further the project of establishing one.

**WARDENS OF THE PRINCIPAL ROMAN CATHOLIC CHURCH.**—Messrs. F. Rodrigues and M. Augier, were, on the 15th instant, elected wardens of the Principal Roman Catholic Church, in succession to Messrs. M. Crow and T. Gregory, who have gone out in succession.

**STEAM PETITION.**—Upwards of 6,000 signatures have been affixed to the steam petition.

**THE UNION BANK.**—The Union Bank has paid a dividend of twelve per cent. to proprietors, and this has been the result of a quarter, in which the bank's operations have been considerably checked by several causes.

**MARINE REGISTRY OFFICE.**—Mr. Joseph Young has been engaged in carefully examining the constitution of the old Registry Office, in which he has every aid from the Marine Board, and is preparing a plan for submission to the Chamber at an early date for the new Marine Registry office. There is, therefore, every reason to hope that the scheme, when brought forward again, will be presented to them in a shape deserving of all the patronage of the Chamber and the Public.

**BENGAL CLUB HOUSE.**—A proposition is to be brought forward at the next General Meeting of the Bengal Club, to purchase ground and build a new and capacious Club

**House by joint stock subscription** of two lakhs in, shares of 500 rupees each.

**HOUR OF BUSINESS.**—A resolution has been passed on the subject of the hour of business to be observed in Public Offices—the periods fixed are from 10 to 4 or 11 to 5. This reform is attributable to the representations of the Chamber of Commerce, to whom the thanks of those who may benefit by the change, are therefore due.

**THE PUBLIC TANKS.**—The Conservancy Department has directed the engine at Chandpaul Ghaut, to be worked for seventeen hours daily instead of the usual eight hours. This is with a view to filling all those tanks with which the engine conduits communicate and will be the means of preventing much of the distress which was last year felt from the scarcity of water in those parts of the town which are at a distance from the river.

**DEPUTY SHERIFF.**—Mr. Bird, of the firm of Messrs. Collier, Bird and Grant, has been selected by the Sheriff, to fill the office of Deputy, during the ensuing year.

**RE-UNIONS.**—The first Re-union of 1838 took place at the Town Hall on the 2nd instant. The company was more select than numerous; and there was an unusual paucity of the fair sex. The evening went off, however, with great eclat, and those who were fortunate enough to secure partners, kept on the "light fantastic toe" until long after the "witching" hour of night.

**NAWAB ECBAL UD DOWLA.**—His highness Nawab Ecbal ud Dowla arrived in Calcutta on the 2nd instant, from Benares. He has departed on the *Duke of Bedford* for England, where he intends to urge his claims to the throne of Oude.

**DWARKANATH TAGORE'S FETE.**—Dwarkanauth Tagore, Esq., gave a grand ball and supper and pyrotechnical exhibition to the elite of Calcutta Society, on the 8th instant.

**SECRETARY TO GOVERNMENT FOR THE N. W. P.**—It is said, that it has been determined by Government, that there should be a Secretary to Government for the North Western Provinces, and it is likely that Mr. Maxsween will therefore continue in office.

**FIRST OPIUM SALE OF 1838.**—The first sale of the season, consisting of 4,600 chests of Patna and 2,400 chests of Benares, in all 7,000 chests, took place on the 2nd instant at the Exchange Rooms, with the usual reservation of 130 chests for the French. The attendance of natives was much smaller than usual. A portion of the table opposite to the auctioneer was raffled off for the officers of the Board to prevent confusion in receiving the deposit. The Patna opened at Rs 815 but fell at the third lot to 750, at which price 50 lots were taken by *option* and the bidding then went on steadily at 765 to 775 till the end of the first moiety of the Patna. The first lot of Benares was knocked down at 750, the second at 715, and the price afterwards declined gradually from 720 to 665. The rest of the Patna was then brought forward, the price opening at 775 and going up gradually to 835, but declining again and closing at 805.

**EXECUTION OF DECREES AT BARRAMPOOR.**—Ever since the enactment of the Insolvent act in this country, the Danish authorities have refused to give protection to debtors who abscond to that place, to avoid an enforced payment of the debts due by them. Lately a person proceeded from Calcutta to that town, with copies of three decrees of the Court of Requests, against an individual who had absconded to that settlement; and after having rebutted the defendant's allegations of his having paid the amount of these decrees, he obtained an order for the immediate payment of their amount, and it was only on consideration of the defendant having placed in the custody of the Danish Court, some furniture, &c. sufficient to cover the amount of these decrees, that he had 15 days' time allowed him to pay the money and redeem the pledged articles, at the expiration of which period, if not redeemed, they will be sold to satisfy these decrees.

**THE INSOLVENT ESTATES.**—A rumour has been in course of circulation that orders either have already been received, or are on the point of being conveyed to the Assignees of the estates belonging to the creditors of the late insolvent agency houses, to the effect of their being required peremptorily to wind up such portion of the unsettled outstandings as relate to Indigo Factories or other real property, the interest of which still remains vested in their hands.

**MRS. LEACH.**—The managers, amateurs, and proprietors of the Chowringhee Theatre, have presented Mrs. Leach with a jewel, on her taking leave of the Theatre, in consideration of the services she has done the drama here.

**SPORTING.**—On the 15th January, the first day of the Calcutta Races, *Gondolier* won Shaik Ibrahim's purse of 400 rupees, beating *Pilgrim* and *Sultan* round the course, in 3m 38s.

*Jim Crow* won Syed Yosseem's purse of 800 rupees, beating *Telegraph* in a two mile race, in 4m 16s.

*Star* won Shaik Ibrahim's plate of 800 rupees, beating *Remnant* in a race round the course.

*Gem* won Shaik Yosseem's purse of 1,600 rupees, beating *Mishap*, *Hetman* and *Minstrel* in a race round the course, in 3m. 43s.

*Triptolamus* won Syed Hyme Isaac's plate of 300 rupees, beating *Jew's Trump* round the course.

*Pirate* won the sweepstakes of twenty-two gold-mohurs one mile, beating *Absentee*, *Gondolier*, *Rolica* and *Magnet*, in 1m. 56s.

*Polyphepa* won the purse of forty gold-mohurs, beating *Jishet*, *Haidde* and *Jessy* in 3m. 33½s.

*Jim Crow* won the sweepstakes of seventy-five gold-mohurs, beating *Gem*, *Star* and *Remnant*, in 3m. 36.

*Stoic* won a match of fifty gold-mohurs, two miles, beating *Paragon* in 4m. 9s.

On the 17th of January, the second day of the Calcutta races, *Absentee* won the Auckland shield, of 100 gold-mohurs, beating *Pirate*, *Begum*, *Magnet*, *Master Henry Rolica*, *Gondolier* and *Promise*, in 4m. 59s.

*Jim Crow* won the purse of 40 gold-mohurs, beating *Blackball*, *Star*, *Sunbeam*, *Dolphin*, *Stoic*, and *Paragon*.

*Comet* won the Claven sweepstakes of twenty-five gold-mohurs, beating *Alfred*, *Telegraph* and *Alladin* in 2m. 27s.

*Ploughboy* won the match of twenty-five gold-mohurs, beating *Roulette*.

On the 19th January, the third day of Calcutta races, *Gondolier* won the Great Welter of ten gold-mohurs each, with twenty-five from the fund, beating *Stoic*, *Dolphin*, *Sunbeam* and *Teddy the Grinder* in 4m.

*Gem* won the purse of twenty-five gold-mohurs, beating *Jew's Trump* round the course.

*Pirate* won the sweepstakes of five hundred rupees, beating *Absentee*, in a two-mile race, in 3m. 58s.

On the 22nd of January, the fourth day of the Calcutta Races, *Gazelle* won the claret jugs, presented by the Cameronians, added to a sweepstakes of twenty gold-mohurs from the fund, beating *Stoic*, *Star*, *Odds Bob*, *Telegraph*, *Sunbeam*, and *Telegraph*, in a three mile race, in 6m. 13s.

*Comet* won the sweepstakes of twenty-five gold-mohurs, beating *Pioneer*, *Rolica* and *Magnet*, in 1m. 57s.

*Lieutenant* won the purse of twenty-five gold-mohurs beating *Alfred* and *Satellite* in heats round the course.

*Rolica* won the sweepstakes for twenty-five gold-mohurs, two miles, beating *Roostum*, *Rolls* and *Commodore*, in 4m 6s.

*Rainbow* won a match of twenty-five gold-mohurs, beating *Roulette*.

On the 24th instant, the 5th day of the Calcutta races, the Tagore Cup was won by *Absentee*, in two mile heats, beating *Rolica*, *Pirate*, *Gazelle*, *Gondolier* and *Roostum*, *Roostum* ran against a post, threw his jockey, and dislocated his own shoulder.

The hack purse of fifteen gold-mohurs, was won by *Cadland*, beating *Bessy Bedlam*, *Trinette*, *Vesper* and *Matilda*, in half mile heats.

*Lieutenant* won the sweepstakes of twenty-five gold-mohurs, beating *Jim Crow* and *Pioneer*, in one mile and a half, in 2m. 68½s.

**DEATH OF HAKEEM MEHDEE.**—Letters received from Cawnpore, on the 2nd inst., announce the death of the celebrated Minister of Oude, Hakeem Mehdee, at Lucknow, on the 26th ultimo. The event was not unexpected as the Hakeem had been ill some time. Mr. Macnaghten was to start on the 28th for Lucknow by dak, on a complimentary visit to the King and to return on the 30th.

**THE EXPERIMENT.**—The new river iron steamer *Experiment*, is to proceed in a few days to Chittagong, to be employed in river service in that district.

**UNEMPLOYED CAPITAL.**—There are at present, not less than ten crores of rupees in the Treasury unemployed and unlikely to be demanded for several months to come. It is supposed, that Government are hoarding this money to meet the expenses of the Burmah war, which, by their impolitic conduct they are encouraging and rendering every day more and more certain.

**UNCOVENANTED SERVANTS' PENSIONS.**—The Court of Directors have declined to assist the Uncovenanted Servants in the establishment of their pension fund in the manner solicited; but as the letter of the Court convening their decision was written before the last special reference made to the Court on the subject could have reached its destination, the local Government have determined, not to interfere with the present arrangements or the fund, until they receive further instructions on the subject.

**MR. JOHN STORM.**—Mr. John Storm, has been appointed to officiate for Col. James Young, as Secretary to the Union Bank, the latter gentleman being appointed to officiate as Law Commissioner.

**CHAMBER OF COMMERCE—OPIUM.**—At a meeting held by the Chamber of Commerce on the 23rd instant, a resolution has been unanimously voted, that the Chamber does not deem expedient any alteration in the mode of effecting the sale of opium, as now regulated by Government.

**SEVERE FAMINE.**—Famine is very severely felt in the upper provinces, and hundreds of people are dying from sheer starvation.

**MESSERS. CAMERON AND AMOS.**—Mr. Cameron, the Law commissioner, goes into council as Fourth Ordinary Member, on the departure of Mr. Macaulay, and he will continue in council until the arrival of Mr. Amos, the new head of the Law commission.

**GOOMSOOR.**—An officer of Government at Goomsoor, has recently succeeded in rescuing twelve individuals of different sexes and ages, destined for the sacrifices to the Koordish divinity, and the same active officer expects twenty-four more to be brought into his camp. The full moon is the period for the consummation of the abominable rite, on which period at least one-half of the above number of persons would have been sacrificed. An effective blow has been struck against the system, by the active measures of this officer.

**LOSS OF A BRIG BY FIRE.**—On the night of the 12th instant, between 11 and 12 o'clock, an outward bound Laccadive brig was totally burnt off Budge-Budge. She had 8,000 rupees in cash on board, half of which was recovered by the owners. The fire originated by a lamp having set fire to the beam, by which it was suspended in the cabin or round house on deck.

**FIRES.**—Several fires have occurred this and two Native Christians have fallen victims to the flames, but property has not suffered much.

**THE RIVER POLICE.**—The officers of the river police have conducted their duties in a very praiseworthy manner ever since their appointment. Several thieves have

been captured through their vigilance, and stolen property recovered.

**ALTERED AND FORGED BANK NOTES.**—There are several altered and forged bank notes in circulation at present, some of the latter so very admirably executed, that they are easily passed for genuine ones. The best distinguishing mark is, the quality of the paper, the forged notes being on paper considerably inferior to that of the genuine ones.

**MELANCHOLY ACCIDENT.**—A melancholy accident befel a young officer of the Cameronians, Mr. James, on the 20th instant. He was sliding down the banisters of the stair-case leading to the officers' quarters, when he suddenly slipped, lost his hold, and fell to the bottom. His skull was fractured, the joints of his fingers broken, and his body otherwise much bruised. He was lying in a state of insensibility yesterday afternoon, not expected to survive half an hour.

**MURDER.**—A Dhaungur woman, aged about twenty-two years, was murdered, between one and three o'clock on the morning of the 23rd instant, in the Fenwick's Bazar. She went to bed with her husband the night before in a room, in which there were eight other men. The door of the room was open, but was watched by people who are to have them all sent to the Mauritius, as labourers. About three o'clock in the morning, the husband cried out that his wife had been murdered, and the Police soon after coming in, found that her throat had been cut in a dreadful manner, and that life was extinct. A knife besmeared with blood was discovered near the head of the deceased, which was stated to have been seen in the possession of the deceased before. The husband was therefore suspected to be the perpetrator of the murder.

#### MOFUSSIL.

**AGRA.**—At sunrise on the morning of the 18th, Sir Charles Metcalfe took his departure. The whole of the troops were drawn out and formed into a street *a la militaire*, the artillery on the right.

At a Meeting of the Committee appointed at the General Meeting, for making arrangements for the appropriation of the subscriptions for a statue of Sir Charles Metcalfe, Baronet, G. C. B. and for a service of plate to be forwarded to him.

Brigadier Cartwright in the chair. It was resolved:

1st.—That the Hon'ble Captain Dalzell be requested to undertake the duties of Secretary to the Committee and that he be authorized to incur such incidental expenses as may be imperative.

2nd.—That the Secretary be authorized to collect all subscriptions and to pay the same into the Agra Bank.

3rd.—That a monthly list of additional subscribers be published in the *Agra Ukhbar*, shewing the amount realized.

4th.—That a copy of the proceedings of the meeting held at Agra on the 27th ultimo, be transmitted to the civil and military authorities at the principal stations of the Bengal Presidency, and also to those of Madras and Bombay, and that the co-operation of the Committees of Presidencies be solicited in furtherance of the object in view.

The horrible disease of small pox is at present very rife. It has already made a victim of an excellent and much-loved young officer, of a sergeant of the artillery and, according to report, of one or two men. In the city and suburbs the disease is very common amongst the children of the poor.

His Royal Highness Prince Henry of Orange, arrived at Agra on the 3rd instant, under a royal salute from the fort, the guns of which have had some severe practice lately in this line. His Highness left for Allyghur en route to Meerut the next day, under another salute.

Small Pox continues raging with great violence among the natives. Amongst the European population two

officers have already fallen victims to it, and six or eight non-commissioned officers and soldiers.

The members of the Masonic Lodge at Agra, "Freedom and Fraternity," walked in procession on St John the Evangelist's day, from the Lodge rooms to the Church, where Divine Service was performed and an appropriate sermon preached by the chaplain, the Rev. R. Chambers, who selected the 30th verse of the 4th chapter of the first Epistle General of St. John, for his text.

The following is the result of the election and appointment of office-bearers of the Lodge for the ensuing year :

H. G. Goulard, *W. Master* ; Jacob L. Hoff, *Past Master* ; J. M. D. Ceronio, *Past Master* ; W. G. Lennon, *Senior Warden* ; M. W. Woolleston, *Junior Warden* ; H. Babonau, *Treasurer* ; R. Lloyd, *Secretary* ; D. R. Hodgkinson, *Senior Deacon* ; H. B. Walker, *Junior Deacon* ; J. C. Hoff, *Inner Guard* ; J. Von Nather, *Steward* ; M. Twoomy, *Tyler*.

This Lodge has been in existence for the last twelve months, having been established by about half-a-dozen individuals who brought up a dispensation from the Lodge at Allahabad, and has 23 members at present.

**AJMER.**—Grain still continues very dear at Ajmere, grass and crops entirely parched up ; unless we get rain about Christmas, the prospect is very bad. Small pox raging badly—upwards of 3,000 children have died of it within the last six weeks, as well as some adults.

**CANWORE.**—The Governor-general held a Durbar on the 21st, on his arrival at Canwore, and gave a splendid breakfast to the Prince of Oude on the 23rd—after which he was formally visited by several native chieftains from various parts of Hindusthan. In the evening his Lordship honored a station dinner party with his presence. On the 25th the station gave a ball and supper to the Misses Eden, and the visit of the Prince of Oude was returned by his Lordship on the morning of the same day. The ladies left Canwore for Lucknow the following morning, and were to rejoin his Lordship at Futteghurh. Sir Charles Metcalfe arrived in camp on the 31st, and resigned charge of the N. W. Provinces on the following day, the 1st January.

**BRACULPORE.**—A petty Rajah, of a place called Muhawar, has been convicted before the Sessions Judge of Bhagulpoore of the wilful and unprovoked murder of an elephant-driver, whom he had tied to a post in a tent, and there, deliberately cut his body in pieces with a sword. The Sessions Judge had condemned the Rajah to suffer capitally, and referred the sentence to the Nizam Adawlut for confirmation.

**MIRZAPORE.**—A project for a Joint Stock Bank has been set a foot here, with every prospect of success. The Bank will be formed chiefly on the model of the Union and Agra Banks, but will be of a more commercial character than the latter. The extensive money operations at this great trading town, will be highly favourable to it. This undertaking will defeat an intention at one time said to have been entertained by the Directors of the Agra Bank of establishing a branch of their institution at this place.

The Field Officer whose arrest was noticed recently drew down on himself the punishment, for declaring with a considerable degree of candour the strong doubts he entertained of the judgment and capacity of the Members of a Court of Requests, before which he was pleading as defendant. The case has, it is said, been forwarded by the General of the division to Head Quarters.

**CUSBAH.**—A native arrived from Cusbah, states that the rice crop of the present season has proved a good one in that zillah. The price of balam rice of fine quality is a rupee a maund, and that of a coarser kind, about fourteen annas. Dale sugar, too, is selling cheap ; those who have made advances to manufactures are purchasing it from them at from three rupees and a quarter to three rupees and a half per maund.

**BRINDABAN.**—A native letter received from Brindaban states that corn of all descriptions has got exceedingly dear in and about that place, in consequence of a complete failure of the crops, for want of rain. Wheat and ice are selling at more than treble the usual prices.

**DELHI.**—A bridge of boats has been made across the Ganges, a little above the fort at Futteghur, and another is to be constructed over the Ram Gunga for the passage of Lord Auckland and his suite, who proceed through Rohilkund via Bareilly and Meerut to the hills.

A royal salute announced the departure from the Station of His Royal Highness Prince Henry and suite, on their return to Calcutta.

The season has not been so unfavourable in the lower part of the Doab, that is below Canwore, as in the Futteghur, Mynporee, Etawah, Allyghur, and Agra districts. Grain is selling at Canwore,

Atta..... 12 seers per rupee.

Gram..... 13½ "

The crops in the vicinity of Futteghur "promise well," which is entirely to be attributed to extensive irrigation.

The country between Delhi and Allyghur on both sides of the great road appear to be completely dried up, very little sign of vegetation.

Grain at Allyghur and Khass Gunge is selling,

Atta, ..... 14 to 16 seers per rupee.

Gram, ..... 18 to 20 " "

At Futteghur.

Atta, ..... 10 to 11 seers per rupee.

Gram, ..... 11 " "

There is so much distress near Futteghur that instances have been known of people coming for relief to the almshouse and actually expiring from starvation before assistance could be afforded to them. Representations have been made to Government, and assistance to a certain extent afforded ; but, alas ! much more must be done before the present urgent distress can be effectually relieved.

The Futteghur treasury is so completely cleared out, that all payments have been stopped, and the authorities have been authorized to borrow three or four lacs of rupees ; as usual, there is a difference of opinion about interest, the Government offering four, the sheriffs wanting six per cent.

The scarcity of money just now is principally to be attributed to the old coinage having been recalled and not a sufficient quantity of the new having arrived to replace it.

#### NATIVE STATES.

**LUCKNOW.**—The King is suffering from a dropsical attack, which it is expected, will be fatal. His Royal Highness Prince Henry of Orange, paid a visit to the court and city from Canwore.

**KABUL.**—Nawab Ubdool Summud Khan, late commander-in-chief of foot troops of Ameer Dost Mahomed Khan, left the service, but with great disgrace, having been stripped of every fraction by the Ameer, for faults committed at Jillalabad. The Nawab is at present at Bhokarah in the employ of the Ameer of that city, and is raising 5,000 infantry, and is better off than when at Kabul.

The command of the 1st regiment fell on Colonel Rattray (now Fidah Mahomed Khan, Bahadoor). The command of the 2nd on Mr. Harlan, as a temporary arrangement.

Mr. Eastleiff Kabul recently, not excepting employ there. His trip to Kabul has added nothing to his pockets.

Doctor Lord and Lieutenant Wool of the Navy attached to the British mission at Kabul, have proceeded at Koondun to Meer Moorad Beg, this Chief having invited them over to examine the illness he is suffering from. These are the first Europeans that ever went openly to this country. Captain Burnes and Lieutenant Leech, of the Bombay service, ar at Kabul quite well and enjoy the fine winter of that place.



**Mahommei Ukhbur Khan**, son of Dost Mohammed, lately visited the districts inhabited by the Ghulzaees and Populzaees, who received him with all proper respect and offered the usual nuzzurs of fruits, vegetables, cheeses, butter, milk, &c. with which he was well pleased. —He prosecuted his journey, beyond the territory of Cabool; but all the inhabitants ran away at seeing his army. In returning, the supplies were very short, and both men and cattle suffered severely.

**JAYPOOR.**—The **Ruwal Beres Sal** is very ill, and not expected to survive his sickness. His death will open a gate for fresh intrigues in this town.

**LAHORE.**—The news-writer mentions, that some **zameendars**, dependants of **Hurree Sing**, had made a disturbance, and surrounded the fort **Moolkhuzara**; but had dispersed on the approach of certain neighbouring chieftains with their followers, and several of them were killed.

**Hera Sing** mentioned, that he had received a letter from **Nehal Sing**, **Aloo Wala**, mentioning that he was desirous of seeing the **Maharajah**. His Highness desired **Hera Sing** to write privately to **Nehal Sing**, to desire him to proceed with his whole force to the "presence" with as little delay as possible, as he wished to give him private instructions previous to sending him to **Peshawar**.

The merchants have discovered a new route between **Cabool** and the Company's territories, by adopting which, they will avoid many of the duties, delays and inconveniences, attendant on travelling through the **Seik** states. From **Cabool** to **Pashung**, a distance of forty coss, through an uninhabited district, abounding in wood and water, from **Pashung** to **Serai-soku-chinar**, there are a few houses, inhabited by **Patans** to be met with here and there. From **Soku-serai**, to **Serai Duriabund**, in three days and nights, during which no animal even is to be seen. From **Duriabund** it is a four days' journey to **Dohrah Ismail Khan**, where duty is paid to **Runjeet Sing's** Custom-house Agents. From **Dohrah Ismail Khan**, the road leads through **Mooltan**; **Bahawalpore**, to the Company's territories.

**Ontala sahib** is said to have succeeded in quieting the **Yuzoozaeans**, who have returned to their employments as citizens.

In **Cashmere** rice is selling at one maund and thirty pukka seers for the rupee, other grain in proportion! The shawl weavers are in great distress, and regret very much having left **Loodianah**.

The **Ameer of Bokharah** is ready to assist the **Ameer of Kabul** with money and troops against the **Sikhs**. The **Ameer of Kabul** is thinking of proceeding to **Peshawar** in person after the winter or during it. The **Embassador** from the Court of **Persia** to **Kabul** has taken the sulks at **Khandar** and will not proceed to **Kabul** in consequence of the **English** mission having arrived before him. He is still at **Khandar** and **Mahomed Khan Paim** **Kiamut** has been sent to **Khanlar** to learn what is the intent of the **Persian Monarch's** mission. The **Ameer of Kabul** has this year three missions to attend to—one of **Bombay** and **British India**, one of **Persia**, and one of **Bokharah**.

The **Bokharah** mission was to leave **Kabul** with persons of character sent by **Ameer Dost Mahomed Khan** to the ruler of that place, to relate the different treaties between the two **Ameers** against the **Sikhs** and **Meer Morad Beg**, ruler of **Koondus**.

**TONK.**—It is stated that certain of the **zameendars** of the **Wazeeres** tribe, with their forces, amounting to fifteen thousand men, made an attack on the **Maharajah's** army, and, notwithstanding the courage and good conduct of the royal troops, the **Wazeeres** gained the victory. It is said that fifteen hundred men were killed or wounded on both sides. **Doul Sind**, an officer of **Nehal Sing's** army, was amongst the killed.

## MADRAS.

**SHIPWRECK.**—On the 9th instant, the ship **Elizabeth**, bound from **Bristol** to **Madras**, while going very fast, ran on shore near **Linga Chetty's Choultry**, fifty-seven miles south of **Madras**. The weather was fine and very little surf at the time. At day-light the next morning the **Surgeon** of the **Elizabeth** and the **Rev. Griffiths**, a passenger, landed by catamaran and sought in vain for boats or assistance at **Sadras**. They walked the whole way for **Madras** and arrived at **Mr. Carver's** house on the 11th instant. **Mr. Carver** immediately hired a number of palankeens and started for the wreck the same night. A traveller who came up from the south on the 12th, states that all the passengers, 16 in number, with several ladies and children, were landed safely on the 11th and reached the **Government Bungalow** at **Sadras**. The **Elizabeth** is a new ship, and when the **Surgeon** landed had not suffered any damage in her hull. The cargo, it is supposed, will be landed with little damage, but there is no chance of floating the ship, as she has only four feet water under the bow at low water.

**COLONEL STEWART.**—Accounts have been received from **Hyderabad**, representing the state of the health of the **Resident**, **Colonel Stewart**, being such, as to render his immediately proceeding to **Bombay**, and it was apprehended, ultimately to **Europe**, absolutely necessary.

## BOMBAY.

**THE SCHOONER EMILY.**—The **Government** has purchased the **Schooner Emily**, to be sent to the **Gulf** for the use of the **Resident** there.

**THE BERENICE.**—The **Berenice** has met with another accident, the effect, it is supposed, of her monsoon trip. From the time the vessel left **Bombay** (30th November 5 50 P. M.) until  $\frac{1}{2}$  past 8 P. M. of the 6th of December, she had run along at the rate of 10 or 11 knots an hour, when of a sudden a tremendous crash was heard, followed almost instantly by a second, which led to the supposition that a bugalow had been run down or that the vessel was parting asunder. All hands were instantly on deck to ascertain the cause, when it was found that the cover of the starboard cylinder was smashed in pieces, and the steam furiously rushing up. The engine was soon stopped; the starboard connecting shaft unshipped, and the larboard engine set on, by the aid of which and the sails she was able to run along at the rate of 8 knots an hour. On the following morning the piston was examined, and it was found that the lower plate was cracked right in two, with a large piece chipped out near the centre of it, some of the fractures appearing to have existed for some time. The starboard engine is completely disabled, although it is understood that it could be got repaired in **Egypt**, it is supposed the commander will not take upon him to delay the vessel in the **Red Sea** for that purpose.

**BANGY DAK.**—A **Bangy Dak** has been established on the **Post Route** leading through **Tanna**, **Nassie**, **Mali-gaum**, **Dolea**, **Mundlaira**, and **Mhow**, for the purpose of connecting **Bombay** with **Central India**, and the **Upper Bengal Provinces**. One has also been established on the **Post Route** leading through **Pooná**, **Sholapore** and **Hydrabad**, for the purpose of connecting **Bombay** with **Madras**; and one will shortly be established on the **Post Route** leading through **Aurangabad** and **Nagpore**, of the purpose of connecting **Bombay** with **Calcutta**.

**BRITISH IMPORTS AND EXPORTS.**—The **Viceroy of Egypt** has issued an order, prohibiting the imposition in the ports of **Yemen** of a higher duty than 2½ per cent. on **British imports and exports**, coffee included; and has directed that all coffee which may be purchased by the **Egyptian Government** shall be paid for at the market price.

**DEATH OF BHAGOO MAHARAJ.**—**Bhagoo Maharaj**, the most respectable **jahagirdar** of **Pooná**, died on the 25th of **December** at his house. **Bhagoo Maharaj** was descended from the venerable **Brahmin** family of the spiritual

tutors of the Raja of Kotapoor, in whose councils he took a prominent and useful part for many years prior and subsequent to the accession of the present chief. He was known to urge upon His Highness a respectful and obedient conduct towards the British Government, and it was this that led to his cruel persecution by the Raja, and induced him to seek a safe asylum at Poona. He had a jahagire of 40,000 rupees, besides a pension from our Government. He has left two sons.

**BURHANPOOR.**—His Highness the Scindia has lately heard the complaints of the poor ryots of this place, and the former Soobadar, Madhow Rao Subajee, has been dismissed, and a Muhomedan Subadar from Gualior sent in his stead, who is taking proper steps for the protection of the ryots, who are much pleased. It is ordered that the sowcars should not sell sun fry gold, but should convert it into Burhanpoor mohurs and sell it at the rate of it. Respecting adultery, it is ordered, that every one who may be guilty of it, should be required to clean the Chowdee with chowdung, from morning to evening; and the female culprit should be made to bring water.

**THE HUGH LINDSAY.**—The *Hugh Lindsay* expected on the 25th of December.

#### BURMAH.

The subjects of Therawaddie have commenced aggressions on our subjects by the deliberate murder of the head man of the village of Durray, situated on the north-west extremity of Biloo-k'own. It appears his house was surrounded by robbers on the night of the last day of the year. On becoming aware of their presence, he escaped from the house and was in the act of calling out to his villagers for assistance, when one of the villains fired and shot him dead on the spot. Durray is one of the largest villages in the province, but as the men were employed in their paddy fields, the robbers escaped with impunity. Their numbers have not been ascertained, but, they are supposed not to have exceeded ten, and as they came to the village by the creek from sea-ward, there can be no doubt of their being from Martaban; and, indeed, the whole transaction is consonant with what we have repeatedly heard is the intention of the Burmese on that side—to harass our people by a constant system of dacoity, and to cause them to look for safety and protection only by abandoning us and placing themselves under Burmese rule.

The disposition evinced towards us by the authorities of Bileng and Martaban is said to have undergone a most complete change. Whereas formerly, any messenger from Moulmein was invariably treated with kindness and respect, an individual sent there recently with a letter from the Chief Civil Authority, and addressed to the Governor, was not allowed to enter the town, and was treated by the Governor with much indignity. The officer even proceeded so far as to tell him "Things are changed and are not as they were—I am old, but I should like to fight the English again."

It is further said that a kind of *levy en masse* had been ordered throughout the Burmese empire, and that the most active preparations for war were on foot.

Our position on this frontier seems to be fast verging towards hostilities, unless, indeed, it be intended quietly to put up with every insult and injury that may be offered to us. The terror and distress already suffered by our people, are sufficient warrants for vigorous measures towards breaking up this nest of villains now congregated at Martaban. Those who have gone up the Salween River declare that the state of the villages is most distressing. Women and children resort to the Jungle at night, whilst the men are solely occupied in measures for the defence of themselves, their families, and property.

By the brig *Elisabeth*, from Rangoon, some letters from that place and from Maulmain have been received. It appears that the Burmese Governor of Martaban, the town directly opposite to Maulmain, had songs sung at a public festival, grossly abusing the English and boasting that the Burmese would go and destroy Maul-

main! Reports also are being daily brought into Maulmain, stating that the Burmese were assembling a force at various places in the vicinity and making warlike preparations. A report had been brought down from Koukmoung stating, that the King intended to acknowledge our treaties *so soon as his other affairs were settled*, but that the last intelligence from Calcutta, which would soon have reached the King, was calculated to do much mischief. It was that the Governor-General does not much regard the King's disavowal of our treaties so long as the Burmese commit no aggression, and that as yet, our Government is of opinion it has no cause to quarrel with the King.

The *Byeen Boun*, a schooner belonging to Messrs. Trill and Co., of Rangoon, had grounded on the John and Margaret shoal and been deserted by her commander and crew; but hopes were entertained of getting her off.

#### PENANG AND SINGAPORE.

During the week have been received files of the *Singapore Free Press* to the 21st of December, and *Prince of Wales Island Gazette* to the 30th of the same month. In these papers are two letters from Mr. H. T. Prinsep, to the merchants of Singapore and to the Chairman of the Chamber of Commerce at Penang, respecting the claims of the latter, on behalf of the merchants of these islands to be placed on the same footing as the purchasers of opium for the China market.

It appears by these documents, that the Government here wash their hands of having determined the scale of distribution by which the Bonus was paid, and throw the merit or demerit thereof on the China merchants. The Penang and Singapore merchants have won nothing by the measure they adopted. On the contrary the former are told somewhat coolly, that "the measures of Government were of necessity taken upon grounds furnished by estimates and general inferences, and the Governor-General of India in Council had not before him such precise information in regard to the state of the market in the Straights as has now been furnished; but his Lordship in Council cannot add the assurance, that if the present information had then been possessed, the Merchants of Penang would have been considered entitled to greater consideration in any respect than they have received."

**THE SIR CHARLES MALCOLM.**—The *Sir Charles Malcolm*, put back to Singapore on the 15th December (after being within a few miles of Macao) with the loss of sails, boats and top-masts, all her lower-masts sprung, and in a very leaky state, occasioned by a succession of very heavy weather experienced during the passage from Singapore towards China; but particularly from the 23rd November to 6th December; and it was not until they had scarcely another sail to set and found the water-gaining on the pumps, that they bore up, the ship being so completely disabled, that it was quite impossible to make any way against a contrary wind and heavy head sea. The cargo was discharging partly damaged, and after undergoing the necessary repairs the *Malcolm* was again to proceed on her voyage with the sound part of the cargo.

#### SINGAPORE.

During the week Singapore journals to the 7th of December last have been received. A proposition has been made, for a Monthly Steam Communication between the Straights and Calcutta, with a view of extending to that quarter, and in some degree to China, the benefit of the Steam Communication between India and Great Britain. In this point of view, the proposed plan has peculiar interest at this juncture, for it is another argument in favour of the comprehensive plan, by which alone the full advantages of a steam communication with England can be extended to the Straights. For that purpose, however, there should be, as has been proposed, branch steamers running between Point de Galle and the Straights.

There has been another severe typhoon in the China Seas, in which the *Cantabro*, the *Bilbaino*, the *Ariel*, and several other craft, were dismantled or otherwise damaged.

## CHINA.

Canton papers to the 2d of December last, have been received. The intelligence they contain as important. Captain Elliott, the Superintendent, has been obliged to leave Canton and return to Macao, after having struck the British flag. The reason assigned for this proceeding by Captain Elliott is, that in consequence of express instructions received by him from the British Government, as to the mode in which he was to communicate with the Viceroy, he had endeavoured to carry those instructions into effect; but that the Governor had declined to accede to the conditions demanded by Captain Elliott. Another edict has been fulminated against the shipping at Lintin, in which the Superintendent is accused, in terms by no means equivocal, of con-

niving at the opium smuggling. The sale of the drug was consequently very much retarded. The Hongkong affairs remain unaltered.

By the *Sylph*, *Canton Registers* to the 12th ultimo have been received. The difficulties in the smuggling trade seem to continue in full force, the deliveries for the first 8 days in December not exceeding 191 chests. As might have been expected, the attention of British Residents at Canton has been directed, under the unfavorable circumstances and prospect of our commercial relations with the Celestial authorities, to the utility of colonizing the Bonin Islands, which, from their close neighbourhood to Formosa, Japan, LewChoo, and the Eastern Coast of China, would form a most convenient and desirable position. A small pamphlet on the subject has been written by Mr. G. T. Lay, formerly naturalist in Captain Beechey's expedition, and now Agent of the British and Foreign Bible Society.

## REVIEW OF THE CALCUTTA MARKET.

(From the Bengal Hurkaru Price Current, 27th January, 1838.)

INDICO.—Notwithstanding the auction sale which took place on Wednesday last, there is very little yet doing in this important article, the clearances for France barely reaching 500 maunds, while at this period last year there had been upwards of 15,000 exported to that quarter; as, however, the wants of the continent are known to be most urgent, we think, the longer holders remain firm the more likely are they to obtain ultimately fair and remunerating prices, a result which will be further insured should the Company, as is expected shortly, resume their advances.

The quantity put up for sale consisted of 392 chests, of which 296 chests found purchasers chiefly for the French market, as particularised below:

97 chests, A & Co. } Estate Alexander & Co., Bullea  
B C } concern, Ghazeepeer, Mathews.  
Co.'s Re. As.

7 chests sold at.....	155 0	Per factory maund.
30 chests.....	152 8	"
10 chests.....	150 0	"
10 chests.....	145 0	"
10 chests.....	140 0	"
10 chests.....	132 8	"
10 chests.....	130 0	"
10 chests.....	127 8	"

97 chests, average about 143 8 "

77 chests, A & Co. } Estate, Alexr. & Co., Sonaparah  
S } concern, Jessore, Dunlop.  
Co.'s Re. As.

20 chests sold at.....	195 0	Per factory maund.
20 chests.....	192 8	"
20 chests.....	190 0	"
10 chests.....	185 0	"
7 chests.....	172 8	"

77 chests, average about 190 0 "

43 chests, M. and Co., Estate Mackintosh and Co.,  
Buxar concern, Mathews.

10 chests sold at.....	175 8	Per factory maund.
10 chests.....	162 8	"
10 chests.....	151 0	"
10 chests.....	132 8	"
3 chests.....	120 0	"

43 chests, average about 153 0 "

10 chs., GRF } Packsdahang concern, French, Jessore,  
P } sold at 202 8 Per factory maund.

17 chests, with down.	
6 chs., GC N. J. at...	175 0
8 chests N. J., at....	192 8
7 chests ditto, at....	180 0
3 chests ditto, at....	170 0
3 chests ditto, ...	172 8
2 chests ditto, ...	162 0
2 chests SF ordy. N.,	140 8
2 chests RR ditto, ...	142 8
8 chs., P. & Co. sold at	160 0
R	
1 chest do. dust, sold at	110 0
10 chs. dust, wash., &c.,	20 to 135

79 chests.

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RAW SILK.—Transactions have been to a limited extent. The market is very heavy and prices are likely soon to fall to a safe standard again, which has not been the case for some weeks past.

SILK PIECE GOODS.—Active purchases have been made of Corahs for the English market, but the prices of the assortments are expected to give way.

COTTON.—Continues without enquiry. The prices asked in the interior, are much higher than the article is quoted here.

SALTPETRE.—Continues in limited operation, attributable to the same cause as stated in our last, and prices remain without alteration.

LAC.—The demand in both Shell Lac and Lac Dye is confined to a few parcels for the English market at former prices.

GRAIN.—A further slight advance is observed on the prices of all descriptions. The demand for Fine and Moonghy Rice continues; but operations are restrained from the want of tonnage.

OPIMUM.—The accounts per the *Sylph* from China are of the same gloomy cast as their predecessors—although owing to the apprehension of the *Ariel* and *Lady Hayes* being lost, prices were nominally more firm than could have been expected; when, however, these two vessels were known to be forthcoming and their arrival took place in conjunction with the *Ann*, *Syed Khan*, *Cowayes* and *Water Witch*, (all likely to reach within a week or two of each other), it was anticipated that a heavy fall would instantly follow, and on the whole we regret to say the prospects of the trade were fully as unpromising as ever.

THE  
CALCUTTA MONTHLY JOURNAL.  
ASIATIC NEWS.

1838.

DINNER GIVEN TO THE HON. G. F. RUSSELL, ESQ.

The Dinner given to the Honourable G. F. Russell, Esq., at the Banqueting room, on Thursday evening, wore entirely the enthusiastic character we had anticipated for it. About 150 gentlemen assembled on the occasion, amongst whom were Lord Elphinstone (who presided at the entertainment), Sir Robert Comyn, the Honorable Mr. Sullivan, Major General Doveton, Sir Edward Gambier, the Honourable Mr. Lushington, Major General Vigoureux, with the heads of all departments, civil, military, and medical. A spacious tent was erected in front of the banqueting room to receive the thronging company, and a very well executed transparency was placed over the entrance to the hall displaying Mr. Russell's arms, supported on one side by the insignia of civil occupation, and on the other by military trophies amidst which the names of Kimeedy and Goomsoor were intermingled, and the whole surmounted by the words, "Russell, Farewell!" This device had a very pleasing effect, and many a heart found a quickened motion when marking its token of adieu. Dinner was served up about eight o'clock in the usual *recherché* style found at the present day within the walls of that edifice which had been accorded for the entertainment; delicacies and luxuries covered the tables; the wines were cooled to a fault; and excellent vocal and instrumental music heightened the enthusiasm of the more stirring objects of the assemblage. We give below a list of the toasts, with the names of their proposers. Mr. Russell's health, it is scarcely necessary to say was received with the most rapturous cheering, and again and again did the burst of applause break forth, telling in its energy and enthusiasm how honest was the tribute to his eminent public character, and how sincere the appreciation of his private worth. The moment was one of proud gratification to the honoured and valued object of the warm offering; it told that, even amidst the proverbial indifference of Indian life, a guerdon of popular esteem and effection is still within attainment, and Mr. Russell must have felt that the convincing proof lay before him of his having nobly and truly won it. But the tide of recollection carried him back over thirty-five years of honourable service; he thought of companions in its long career, many of whom he beheld around him; he felt that he was about to part from those who had just proclaimed the warmth of their affectionate regard, and we need not wonder, that overcome by his feelings, he was able alone to falter forth the expression of his thanks and the saddened words of farewell.

Several very neat and effective speeches were delivered in the course of the evening, and the party went off in the happiest manner, all evidently partaking in one common feeling on the occasion that brought them together, and communicating it to all the social *agréments* of the evening.

Totals.      Proposers.      Tunes.

THE QUEEN.    LORD ELPHINSTONE.    God save the Queen.

THE QUEEN DOWAGER AND THE ROYAL FAMILY.  
Ditto. *The Adelaide Waltz.*

MR. RUSSELL. Ditto. *The last Rose of Summer. — Glee—When shall we three meet again.*

MR. RUSSELL returned thanks.

LORD ELPHINSTONE, MR. RUSSELL. *Garb of old Gaul.*

LORD ELPHINSTONE returned thanks.

ARMY AND NAVY. Sir R. COMYN. *The British Grenadiers—Rule Britannia.*

Major General DOVETON returned thanks.

THE CHIEF JUSTICE AND BENCH. MR. SULLIVAN.  
*See the Lawyer Father see.*

Sir ROBERT COMYN returned thanks.

THE CIVIL SERVICE, Sir E. GAMBIER. *Money in both pockets.*

MR. RUSSELL returned thanks.

Sir C. METCALFE. MR. SULLIVAN. Mrs. RUSSELL and a happy meeting with her Family. MR. MORRIS.  
*Home sweet Home.*

MR. RUSSELL returned thanks.

Lady SARAH MAITLAND and Ladies of Madras, Genl. DOVETON. *Bonnets of Blue—Green grow the rushes, O. —Song—Here's a health to all good Lasses.*

MERCHANTS OF MADRAS. Lord Elphinstone. MR. ARBUTHNOT returned thanks.

MR. RUSSELL as a Soldier. MR. McDONELL. MR. RUSSELL returned thanks.

Gl. VIGOUREUX and all our homeward bound friends. MR. CAMPBELL. *Auld Lang Syne.* General VIGOUREUX and Mr. ANNESLEY returned thanks.—*Spectator Jan. 20.*

We extract the following most deserved tribute to the Hon'ble Mr. GEORGE RUSSELL's public service from last evening's Official Gazette.

"The Hon. G. E. Russell, Esq. has been permitted to resign his seat in Council and the Honorable Company's service, from the date of his embarkation to England on the ship *True Briton*.

The Right Hon. the Governor in Council cannot permit the Hon. G. E. Russell, Esq. to quit India without an expression of his deep regret at the loss which the public interests will sustain by the retirement from the service of an officer whose experience and ability, whose zeal, judgment and temper in circumstances of responsibility and difficulty have been repeatedly recognised by the Government.

The Right Honorable the Governor in Council requests Mr. Russell to accept his grateful acknowledgment of the assistance and advantage which the Government has derived from his services at the Council Board, and his best wishes for his health and happiness in his native country."—*Ibid.*

## FREE PRESS DINNER AT THE TOWN HALL.

One hundred and ninety-six gentlemen eat down to dinner at the Town-hall to celebrate the emancipation of the Indian Press, and to do honor to its noble liberator, Sir Charles Theophilus Metcalfe, who had been especially invited as the guest of the evening the annual celebration, which is on the 15th of December having been postponed to the 9th of February on that account. Mr. Longueville Clark presided in the Chair and Mr. Henry Meridith Parker in the vice chair. At a quarter past seven, the Honorable Baronet arrived at the hall, and was received at the door by the stewards in a body and ushered upstairs. At half past seven the friends of the Free Press dinner was announced, Sir Charles sat at the head of the table, between the Chairman and R. D. Mangles, Esq. There were several native gentlemen present, among whom we noticed Ramnauth Tagore, Prosonna Coomarr Tagore, Rustumjee Cowasjee, and Manikjee Rustumjee, Esqrs. The dinner and the wines were excellent and about nine o'clock the hall being cleared of the servants the first toast was announced.

**THE CHAIRMAN.**—A bumper, gentlemen, to our youthful Sovereign. Under ordinary circumstances I should have proposed this toast unaccompanied by any remarks, and have left it to be drank with that feeling of loyalty, which I believe is common to the breast of every subject of the British Crown. But the present are no ordinary circumstances: we are assembled here to commemorate a great political event, the liberation of the Indian Press, and this is the first meeting we have held since that Sovereign ascended the throne, who has proved her attachment to the principles we advocate, by continuing the Ministry, who gave reform to England. (*Loud cheering.*) Well then may she be dear to her people. Those whose proximity places them within the influence of the Royal and youthful fascinator, may be pardoned for that fervent enthusiasm, with which she appears to have inspired all ranks in England. Even we, whose feelings must be dulled by the distance which intervenes, gaze on her as a creature of a rare order, on whom endowments have been poured, which, collectively, are seldom attainable. Possessed of the love of her relatives, the affection of her friends, the esteem of the nation; rank, which makes her pre-eminent in the world; fortunes which distance the idea of necessity; talents to rule in public; accomplishments to hallow retirement; beauty to fascinate; youth to enjoy: these are gifts individually estimable, in their union—unparalleled.

Quo nihil magus meliusve teris  
Fata donavere, bonique Divi,  
Nec dabunt, quamvis redeant in aurum.

Tempora prisum.

Up then, gentlemen, and with brimming glasses drink to the prosperous reign and happy life of our youthful Queen, Victoria. (*The toast was drunk with immense cheering.*)

**Air.**—"God save the Queen."

**THE CHAIRMAN.**—Gentlemen; it is now my duty to give you the most important toast of the evening. **THE FREEDOM OF THE PRESS IN INDIA.** (*This announcement was received with the most tremendous applause, waving of handkerchiefs, and the demonstrations of enthusiasm lasting several minutes; the Chairman frequently attempting to continue his address, but stopt by the reiterated shouts from all parts of the room. When the burst of feeling at last subsided, he continued.*) So much has been said and written, and well said and well written, on the Freedom of the Press generally, that I shall not trespass on your time by descending on the enlarged view

of the question, but confine myself to offering two remarks, the one regarding the origin of the periodical press, the other relating to the results to which it has led. To some of you it may not perhaps be known, that the Periodical Press of England owes its origin to the most despotic sovereign who ever swayed the British sceptre. Tyrannical as the race of the Tudors were, no one was more so than Queen Elizabeth. She protected her country from foreign aggression, but she was a despot over her people. Yet was she wise in her generation; and when she found, the liberties, the religion of the people were endangered by foreign invasion, and her crown at stake; she appealed to the nation for support, she roused its enthusiasm through the mighty engine of a Periodical Press, which was then for the first time established. But it was not more remarkable that the Periodical Press should have originated in the act of a tyrannical monarch to protect her empire, than were the results which that Press has produced. Look, gentlemen, at the map of the world, and dwell on the conditions of the countries, where the Press is fettered, and the Press is Free. (*Loud cheers.*) Look, gentlemen, at America and England, and compare them with any other nation on the globe. In these two states the people enjoy liberty to a degree beyond that, which is any where else to be found: they are wealthy, they are enlightened, while the countries themselves have no rivals in power. It is the people which make the country; it is the Free Press which has made the people. (*Loud cheers.*) Gentlemen; having briefly alluded to the origin and results of the Freedom of the Press, I now approach the immediate object of the toast, **THE FREEDOM OF THE PRESS IN INDIA.** (*Cheers.*) Those who are opposed to it, admit the excellency of the institution in other countries, but they allege, that India is not prepared to receive it, and that peculiarities exist here, which make its introduction dangerous. On this point I come to issue at once, and affirm boldly, that of all countries, British India most requires the Freedom of the Press. (*Cheers*) I draw no nice distinctions; I admit the local peculiarities which are relied upon, and I assert that it is the existence of these very peculiarities, which imperatively requires that the Press of India should be free. In support of this assertion, I appeal to the former and present state of this country, when the Press was restricted, and when the Press is Free. Many of you must remember the celebrated order of the 5th of April 1823, published by Government for the guidance and conduct of Editors. In that they were told, that they must not publish, nor republish any thing,—no not even from the English papers,—which might impugn the conduct or hurt the feelings of the King or any of the Royal Family,—the Court of Directors, or Authorities in England connected with India,—the Governor General, Members of Council, the Judges, Bishop, Government Officers, nor disturb the harmony or unanimity of Society. If they could have relied on the veracity of the small note which followed, true it is, that they had slight reason to complain; for the order gravely assured them, that these prohibitions imposed no irksome restrictions on free discussion, or publishing information. (*Laughter.*) Aye, gentlemen, those who only read the order, may well laugh, but the working of it was not calculated to prove a matter of mirth to the proprietors of the two journals which were suppressed, or to the two editors who were banished. (*Cheers.*) Such, gentlemen, was the state of the country when the Press was fettered, but what is its state now? Why, the first great point is, that we have the same law for the Press here as exists in England. The English who have come to this distant clime, have not left their liberty behind them; and the natives of the soil find that the English have brought

liberty to them. (*Cheers.*) I deny, gentlemen, that we are desirous of a partial despotism.\* Englishmen would banish despotism altogether. I deny that we want an atmosphere of liberty of our own;† but that liberty which is our birth-right we would not part with, and we would share it with our native fellow subjects. (*Loud cheers.*) In the present state of the country we do share with them the Liberty of the Press; and this is the first contrast between our present and former condition. The next contrast gentlemen, is, that a system has been introduced alike beneficial for the governors and the governed. For the governors it is beneficial, for it not only dissipates discontent, but it discloses it in the germ by exposing the causes by which it is generated. Well did my friend Mr. Turton say, when speaking from this chair, no man commits treason in a newspaper; and well did he allude to the evidence of Sir John Malcolm, who disclosed the seditious libels which had secretly been circulated among the native soldiery, exciting them to mutiny and the murder of their officers. That, gentlemen, could never have happened in a newspaper. (*Cheers.*) But now, gentlemen, let me also recall to your recollection the peculiar situation of a Governor-General. In him the fault is not, but it is in the system. He may be the wisest, the most talented, and the best of men; yet when he lands on these shores, what does he know of the country, the people, their language, their habits, customs, or laws? He has to rule the destinies of eighty millions, without possessing those indispensable essentials for governing, experience, and local knowledge. He must either be a useless tool in the hands of those who surround him, or, if he be deaf to their advice, his ignorance is his only guide. To this vast evil one remedy has been found, the freeing of the Indian Press. If injustice be practised, there the injured can complain; if suggestions are to be offered, they can be there proclaimed, and canvassed by the public, who may support their merits, or point out their inutility. What were the words of Lord William Bentinck to the deputation of which I formed one? I repeat them in the presence of many who heard them with myself. "THAT HE HAD DERIVED MORE INFORMATION FROM THE INDIAN PRESS, OF THE REAL STATE OF THE COUNTRY, THAN FROM ALL THE COUNCILS, ALL THE BOARDS, AND ALL THE SECRETARIES BY WHOM HE WAS SURROUNDED." (*Loud cheers.*)

Let me now, gentlemen, examine how far the Freedom of the Press conduces to the weal of the governed. First, it confers on us freedom of discussion, which is the birth-right of every freeman. The Majesty of the people is no idle phrase, for it imports that, which is really the case, that the true sovereignty is in the nation, and not in the ruler. All kings, all governors, are in fact but the servants of the state, placed at its head for their talents, their knowledge, and their virtues, justly respected for these qualities, and looked up to with gratitude for the benefits they dispense. I abate not one tittle from the honor which is their due, and yield to no man for the respect in which I hold them. Yet is the government of the state entrusted to their care, not because it is their property, not because the people are their serfs or slaves;—but in order that they may faithfully discharge the duties of governing. (*Cheers.*) Can it be endured then, that the people for whom they hold these trusts are not to question their acts, or that the rights of discussing the measures of their rulers is to be denied to the state, for whose service and weal they have been crowned? Hence, gentlemen, is it, that freedom of discussion is a freeman's birth-right; and by freeing the Press you benefit the governed; by freeing the Press you likewise extend the blessings of knowledge and enlighten the people,—a measure which all allow is of vital importance to India. In those countries where the Press is most free, is knowledge most

diffused. It not only imparts instruction, but excites to learning; and the man who is opposed to the freeing of the Indian Press, must be the foe to enlightening the natives. (*Loud cheers.*) But, gentlemen, a stronger argument still remains. Free the Press, and you strengthen the bond of union between the native and the British subject. (*Loud cheers.*) Free the Press, and you teach the natives what European countries are; what England is; you make them familiar with your laws, your manners, your arts, your sciences, your comforts, luxuries, wealth and independence; they draw the contrast between the state of things there, and in their own country here; they perceive the difference between the spear and sword, the rapine and violence of the Mahratta and Pindaree, and the protection of property and person by Law. (*Loud cheers.*) Tell me then, will not the native find himself drawn towards the land and the nation who give him security and justice, in exchange for destruction and plunder? Tell me, will not the bond of union be strengthened? And this is what the Freedom of the Press in India will assuredly achieve. (*Loud cheers.*) Gentlemen; have I drawn the sketch correctly?—Have I correctly portrayed the past and present state of the country, when the Press was enthralled, and when the Press is free? Have I shown you the blessings it bestows on the governors and governed? If your hearts respond to these sentiments, up, I say, and drink to the "Freedom of the Indian Press." (*The toast was drunk with immense cheers.*)

*Air.*—"See the conquering hero comes."

VICE PRESIDENT.—Gentlemen I have the honor to propose to you a toast that will not, I know, fail to be received with all those demonstrations of attachment and respect to which it is richly and honestly entitled. I have to name to you a nobleman who, though far away, cannot but view with interest all things bearing upon so vital a question as the Freedom of the Indian Press. Gentlemen; I will not for a moment allow myself to believe, that any one whose heart is in the right place; that any one who is upright, honest, benevolent, sagacious, and fearless of scrutiny into his public acts, full of a sense public duty, can be otherwise than a friend to the Free Press in India. If then, these things give a guarantee of such friendship, assuredly the illustrious person I now name to you, must be such a friend, for all the qualities I have enumerated are eminently his, gentlemen—THE GOVERNOR GENERAL. (*Cheers.*)

*Air.*—"Here's a health to those that sawa."

THE PRESIDENT.—Gentlemen; charge your glasses with a bumper. The toast I am about to propose to you, will speak for itself, and requires no introductory remarks from me. Gentlemen, I give you The Navy of England. (*Loud cheers.*)

*Air.*—"Rule Britannia."

VICE-PRESIDENT.—Gentlemen; it is my duty to propose a toast to you, and the labour is the labour of love, or I should say with greater truth, no labour at all, but a real pleasure. Gentlemen; my toast is the British Army. (*Cheers.*) I know there has been discussion infinite touching the politics of the British Army. Whether it was Whiggish or Toryish, Reformatory or Conservative—whether it loved a Free Press or did not love a Free Press,—for my own part, I will own to you candidly, that I don't care one fig what its politics are, or what its feelings are, on the question I have hinted at,—it is sufficient for me to know, that through long years of peril and gloom, the British Army fought and bled, that the hearths and the altars of their country might not be polluted by a foreign foe. (*Cheers.*) It is sufficient for me to feel that it placed between a terrible enemy and our pleasant fields and native homes, the iron barrier of its indomitable valour. (*Cheers.*) I can no more bring myself to care for the politics of our brave soldiers, than I can care for those of that glorious chief who led them crowned with victory from the rock of Lisbon to

\* Alluding to the charge brought against the British Inhabitants by Mr. T. B. Macaulay on the debate on the India Bill in the House of Commons.

the gates of Toulouse, and from the wood of Soignes to the towers of Notre Dame. (*Cheers.*) But in this assembly my toast has a peculiar title to receive all the honors. The British Army, gentlemen, everywhere met and baffled the most despotic, the most formidable enemy of a Free Press which the world ever saw. Admitting all his greatness, all his magnificent and richest qualities, yet there never lived a fiercer hater, a more inexorable tyrant, where the liberty of the Press was concerned, than Napoleon Bonaparte. (*Cheers.*) But the hour of retribution came, and the murder,—I will call it by no other title,—the foul murder of the unfortunate Palm—of the poor bookseller, whom the despot crushed in warth and in scorn, was gloriously revenged on the Plains of Waterloo, by THE BRITISH ARMY. (*Much cheering.*)

*Air.*—"British Grenadiers."

THE CHAIRMAN.—Gentlemen; another bumper, and let this be the fullest you can fill. I have given you the freedom of the Indian Press; I have endeavoured to describe the immeasurable blessings it will confer on this country; but my toast now is the health of him to whom we owe that boon? our distinguished guest, Sir Charles Metcalfe. (*Enthusiastic cheering which continued for a long time.*) I shall not, gentlemen, detain you long, for more I cannot say, than what I have already uttered, regarding the value to India of the freedom of the Press, nor can I say more regarding our obligation to Sir Charles Metcalfe, than that it is to him, to his wisdom, his decision, his independence, we are indebted for that incalculable blessing. But surpassing as are the claims of Sir Charles Metcalfe on us, for this great act, how well are they supported by the history of his Indian life. (*Loud cheers.*) Look at him in every relation of Society; the hospitable host, the friend of the social circle, the charitable reliever of distress, the munificent patron of useful institutions, the assiduous officer of Government; the statesman who cared for the empire! (*Cheers.*) Were I to seek for that, to which I might compare him, I should find it in the striking feature of this country, where numerous and magnificent streams flow through, and fertilize vast tracts of land, till uniting together, they form a mighty river, bearing on its bosom the riches and commerce of the kingdom, and constituting the source of all its greatness. So with Sir Charles Metcalfe: his assiduity, his talent; his munificence, his charities, his judgment, firmness, and integrity, are the qualities resembling those rich streams, and uniting in him as they have done, they have given to India, that great statesman who has proved the pillar of her empire. (*Immense cheering.*) I give you, gentlemen, prosperity, health and happiness to Sir Charles Metcalfe, the liberator of the Indian Press. (*The toast was received as it merited, and many minutes elapsed before Sir Charles could obtain a hearing, so prolonged and enthusiastic was the cheering.*)

*Air.*—"Charlie is my darling."

SIR CHARLES METCALFE, rose and was again greeted with cheers, which were continued, in one universal burst for about five minutes. The worthy Baronet seemed deeply affected, but recovering himself, he said:—Gentlemen; you have so overwhelmed me with your kindness, that I find myself quite unable to give expression to my feelings, or to return my thanks as I could wish. I possess not the eloquence of my friend, the president, to enable me to do so; but I believe with him, and with you, that a Free Press is a blessing in any country; (*Much cheering*) and I perfectly concur in all he has said in praise of it as applied to this. (*Cheers.*) We have ample proof of the vast benefit accruing from a Free Press in our own country and in America; and it was on this proof that I acted as I did here, respecting the Freedom of the Press. (*Cheers.*) I will proceed no further on the subject of the eman-

ipation of the Press. Were I before another tribunal, I might defend that measure; (*Deafening cheers.*) but to do so here, is evidently quite unnecessary—perfectly superfluous. (*Much cheering.*) You are all with me. (*Cheers.*) I shall conclude, gentlemen, with thanking you, first for the honor you have done me in inviting me to this party in celebration of the Freedom of the Press; (*Cheers.*) and, secondly, for the exceeding kindness with which you have just drank my health. (*Much cheering.*)

MR. DICKENS.—Gentlemen; one cheer more to the honestest statesman we have ever had. (*Deafening and long-continued cheering.*)

C. R. PRINSEP, Esq.—Gentlemen; we are met to celebrate the anniversary of the Liberated Press of India in the presence of its illustrious liberator; and I am not surprized when I consider it is the last time he will join in its celebration, that his presence should have been hailed with such enthusiasm. But we must not allow the interest of the occasion to divert our attention altogether from the grand object of our meeting, or to forget that much yet remains to be done. It is not enough that the Freedom of the Press should be declared by the statute or advance by regulation, nor is it sufficient that it should be guarded by all the provisions that the ingenuity of man or of Law Commissioners can devise. No true friend of the Press will rest satisfied until he sees it placed under the safeguard of the sole palladium of civil society—Trial by Jury. (*Much cheering.*) I see, gentlemen, I have touched a chord that thrills through all your hearts. I am content with that expression of your feelings; but I cannot sit down without drawing your attention to the facts that the Press of India enjoys little of that security. It is only in the King's Courts that it can appeal to a jury at all, and in those courts it has no such appeal, except upon a criminal charge. All its civil liabilities are left to the absolute discretion of the Judges, which English principles and English practice have denounced as a most unsafe tribunal. I have done enough to draw your attention to the necessity of going a step further, and obtaining the security of jury trial in all cases where the Press is concerned. That point gained, all will be safe, all will be permanent. Tories may combine against it, Whigs may job, and Benthamites may blunder on; the Press shall bring its enemies to the ground one after another, when it shall be enabled to launch its weapons from underneath theegis of jury trial. Gentlemen, let us, therefore, drink in a full bumper, Trial by Jury, the bulwark of the Freedom of the Press. (*Cheers.*)

THE CHAIRMAN.—Gentlemen; Mr. Prinsep has just touched a chord which has thrilled through your hearts; I will now cause a chord to be touched, which will thrill through your ears. Mr. Stocqueler, will you kindly commence?

Mr. Stocqueler, with much effect, sang

In the glorious old days of the glorious old Bess,  
(Though she scarce would have suited the present,  
I guess!)

The chronicles say that a Newspaper first,  
On the wondering eyes of our Forefathers burst.

*Sing Ballinamora Ora*

*Ballinamora Ora*

*Ballinamora Ora*

*Huzza for the Press is now free!*

"T was a real "Court Journal," you all may be sure,  
Telling only such truths as such Queens might endure,  
For in those times in ink it was dangerous to dip,  
When the ears were snipp'd off, if the pen made a slip,  
*Sing, &c. &c. &c.*

Alas ! little better, three lustres ago,  
 Were we of this land, as all present well know ;  
 When the Sensor with witless and pitiless shears,  
 Lopp'd an Editor's brain though he cropp'd not his ears.  
*Sing, &c. &c. &c.*

And in recenter times when the Licence so dread,  
 Like a sword was hung over each Editor's head ;  
 Our hopes and our fortunes a breath had swept down,  
 If a word of reproof made a Governor frown.

*Sing, &c. &c. &c.*

But Freedom's fair hand bath our manacles snapt,  
 And the Press in her own sacred panoply wrapt ;  
 And though despots may hate it and dotards may fear,  
 Yet to liberty's votaries that act shall be dear.

*Sing, &c. &c. &c.*

Aye, and still by her friends, through the world, shall  
 be lov'd,

His name, who that badge of our slavery remov'd ;  
 And year after year shall resound in this hall,  
 The glory of METCALFE who freed us from thrall.

*Sing, &c. &c. &c.*

Then fill every glass with bright wine to the brim,  
 And freedom shall hallow the toast that's for him ;  
 Let our hearts prompt our voices to thrice three times  
 three,

While we shout through the welkin " The Press is  
 made Free ! "

*Sing, &c. &c. &c.*

THE CHAIRMAN.—Gentlemen ; my friend, the Vice-Chairman, at the bottom of the hall, and my other friends under his care, have not been uniformly orderly in their proceedings this evening, and I feel a little jealous that at a festivity given in the cause of Freedom, they should have all the disorder to themselves—(A laugh). As I cannot set, I shall therefore follow the example, and break through the order of the toasts. We have drank, gentlemen, the Freedom of the Press and its Liberator, but there is another to whom the Press owes great obligations. If it needed any argument to recommend to you the object of my toast, I know I need not mention the high opinion which Sir Charles Metcalfe entertains of him, and the sincere esteem with which he prizes him as an enlightened statesman, and a friend of India. Gentlemen, it was Lord William Bentinck (*Loud cheering*) I say it was Lord William Bentinck who first practically set the Press of India free ; for from the moment that he landed on these shores, to the hour that he left them, the restrictions existed but in name. Let me recall to you also, gentlemen, his uniform support of the cause of Steam Navigation. It is he that has sent the boats to the distant provinces by inland navigation ; it is he who is nobly advocating the scheme in England ; and though he has left our shores, he has not deserted our interests. (*Cheering*.) I could dwell on many other strong claims he has on your gratitude, but need I do more than give our late Governor-General, Lord William Bentinck, the friend of the Press, the staunch advocate of Steam. (*Drank with loud cheers*.)

THE CHAIRMAN.—Gentlemen ; previous to our proceeding to the next toast on the list, permit me to read to you a letter I have received from a gentleman now absent, but who is greatly respected and esteemed by you all ; I mean my friend Dwarkanauth Tagore. (*Cheers*) Mr. Clarke then read the following letter :—

LONGUEVILLE CLARKE, Esq.,

*Chairman of the Free Press Festival.*

MY DEAR SIR,—It is a severe disappointment to me that the departure of the steam packet, only two days before our meeting, deprives me of the satisfaction to which I had so long looked forward, in common with my brother stewards and the friends of free printing, of holding our yearly festival in the presence of Sir Charles Metcalfe. But there is no help for it, and I can only

beg you to assure the meeting and our greatly respected guest, that nothing but unavoidable necessity could have kept me away on such a great occasion as the celebration of the privilege of freely expressing our opinions of public measures and men.

It is my duty more particularly, as a native landlord and merchant, and more intimate than most of my countrymen, perhaps, with yours and with the nature of the Government under which this great and rising country is connected with England, to speak out on an occasion like the present. I sincerely believe that the liberating of the Press in India is one of the most valuable acts ever attempted by the Indian Government ; it strengthens their own hands, and ears, and eyes, in ruling this vast region, and it is also a guarantee to the people that their rulers mean to govern with justice since they are not afraid to let their subjects judge of their acts.

Yours very truly,

DWARKANAUTH TAGORE.

*Calcutta, 6th February, 1838.*

THE VICE CHAIRMAN.—Gentlemen ; I rise under feelings of no ordinary embarrassment, with a greater mistrust, indeed, of my own powers to address a public assembly, very limited as I have always felt these powers to be, than I ever experienced in my life. It can scarcely be otherwise, for while I feel that no words of mine can do justice to the excellence of the good man and good citizen I am about to name to you, I am nervously anxious that one whom I am proud to call a dear and valued friend, should receive full justice at my hands. Hence my mistrust, hence my apprehensions. I am sensible that the public and private virtues of this admirable individual ought to be themes for some tongue "less unworthy of mine," at the same time I feel that my own friendship, instead of inspiring, makes me full of doubts,—doubts lest I should fulfil neither my own ideas or yours of the honor due to the name I am about to propose—yet why should I feel thus apprehensive ? It ought to be no very difficult matter to illustrate what is already illustrious. Thank God, the honor due to the name connected with my toast depends upon a more solid foundation than my feeble words ! That name is inscribed foremost amongst the foremost on the roll of those most distinguished for mercantile liberality and commercial enterprise. It is amongst the first, if not the very first, on the list of active, able and munificent citizens to whom the whole community is indebted. The name of my friend is revered by many whom he has saved or established in life by his judicious advice or his liberal assistance. It is written in the hearts of thousands who have partaken of his inexhaustible charity ; who have had cause to bless his boundless benevolence, confined to no caste, colour, or creed. It shines brightly surrounded with all that is urbane and kind and courteous, on the tablets of social hospitality. It is heard in the halls of our colleges, in the porticos of those literary and scientific institutions which he has supported and enriched. It shines gloriously through an act, a recent act, of charity so princely, so magnificent, that I tax my memory in vain to discover a parallel to it within my own knowledge and experience. Above all, the name of this admirable citizen is inseparably connected with that cause whose triumph we have met this night to celebrate. Gentlemen, need I say after this that it is the name of Dwarkanauth Tagore. (*Much cheering*.) Here then we have in an individual,—though to a degree so eminent that we cannot expect it to be common,—the qualities and attributes which we desire to foster amongst his countrymen at large,—moral courage, integrity, liberality, self dependence, love of truth, a sense of right, a scorn of wrong, and a freedom from prejudice. (*Cheers*.) But what if we succeed in our endeavours to create analogous feelings, not only in those immediately around us in this metropolis, but in thousands, tens of thousands ;



millions, of their countrymen. If we inspire the masses—Aye, there's the rub. The question is a grave one, and demands grave consideration, let us think of it. I do not now address that party, for many of whom I have the highest esteem, but whom I must be permitted to designate as of the Silver-stick and Burra Sahib school, in reverence for whose mighty attributes the worthy Hindoo backed his horse or his ass into a ditch, on the approach of the majesty of the services, in the person of our departed friend, Indophilus—(Cheers and laughter.) the last person in the world, God knows, to require such an act of homage which filled him with astonishment and pity. (Laughter.) I do not, gentlemen, address this party. They are at least consistent. They would still legislate for India not after the A. Z. fashion but from the Vedas and the Koran. They would be great in Sanscrit and Arabic. They would enlighten the universal mind of India with the philosophy of Aristotle and the science of the Moorish Alchemists. They would have the people remain in the same free and happy state as when the successors of Sevagie levied *chout*, and the dues of the state were collected from the zemindars by the simple and effective process described in Mr. Harrington's analysis, of tying up their bare legs in company with some half dozen of cats in a pair of loose pantaloons. (Laughter.) As for the Press; no doubt this respectable party would be well content to allow the Press as much freedom and influence as would have been accorded to it, had they ever thought about the matter, by those liberal minded potentates Surajah Dowlah and Tippoo Sultan. But let that pass. This party is at least consistent, and in friend or foe I revere an honorable consistency. (Cheers.) But I turn from them to another party, full of magnates and dignitaries and Education Committees, and School book Societies and Friends of India, and every thing that is genteel and superb, both here and at home—a party which attempts to carry into practice the incongruous absurdity—I know not how to designate it—the vain imagination of enlightening and educating and civilizing the people of India,—of giving them a love of truth and knowledge, which is in other words a love of freedom, yet at the same time shackling the Indian Press with fetters of iron and manacles of steel. (Cheers.) Nothing appears to me more absurd than this singular delusion—it is to the Greek's foolishness. I trust and believe that this party will not succeed in their suicidal efforts again to manacle the Press; but if they do, then it seems to me self-evident that they must be prepared at once, not only to discourage, but altogether to prohibit and put down the study and acquirement of the English language. (Cheers.) Gentlemen; the explosive tendencies of steam and of all the combustible gasses in the world are as nothing to those which would exist amongst a people conversant with the language of Milton and Junius, of Chatham and Brougham, of Franklin and Washington, yet prohibited by law from giving publicity to these sentiments with respect to the acts of their Government. (Cheers.) No; if the enemies of the Indian Free Press, to whom I now advert, wish to be consistent,—if they wish even for safety,—let them adopt in their projects of civilization, the civilising language of Muscovy, or Crim-Tartary; but let them beware of English. For you shall as soon bind the light of the blessed sun with chains of iron as prevent a people familiar with the language of liberty from openly uttering their sentiments on the public measures of public men. (Much cheering.) But we may be told, "When English is familiar to every man who can read or who thinks, we will then place at the disposal of the community the means of publicly expressing their thoughts on the important point of Government, to wit, the Free Press. Giving the party I advert to credit for this intention, yet still surely it is a miserable delusion, it is as if one were to say, here is our charcoal, and our sulphur, and our saltpetre; while they are in separate heaps approach them not, even with a rush light or a dark lantern; but when we have

mixed them, and grained them, and glazed them into gunpowder, then throw a lighted torch into the midst of the heap and it shall not explode. (Cheers.) Gentlemen; will these people never learn from experience,—are the lessons of history to be for ever lost upon them? What have we and our fathers seen for the past fifty years in France, in Spain, in Portugal, in Italy? Why, that wherever a Free Press has suddenly grown up amongst a people previously civilized,—mind, gentlemen, I say amongst a people previously civilized but yet wholly unfamiliar with its workings, wholly unprepared for it,—in other words, were the Free Press has not "grown with a nation's intellectual growth and strengthened with its strength,"—there it is no longer a beneficent spirit ministering to civilization, prosperity and happiness, but a revenging fiend "with Ate by her side come hot from hell" to cry "havoc and let slip the dogs of war," to spread strife, bloodshed, and misery. (Cheers.) Think not, however, that because I utter these opinions I undervalue the Freedom of the Press. However introduced, its ultimate results are well worth a century of revolutions. I advert only to the facts, and in doing so I again ask, will the party I have alluded to never learn from experience? For I turn from the countries I have mentioned to another—I look "upon this picture and on this." I turn gentlemen, to the United States. They also passed through the terrible ordeal of civil war; they too saw party in every village, almost in every family; factions in every city,—foreign armies in every field. But what was the result? The storm rolled over, the fiery strife, bloody—mark me, gentlemen—bloody, with so few exceptions that history has almost forgotten them, only in the "fair field of fighting men." The fiery strife died away, and left freedom, happiness, prosperity and national character, which has nobly manifested itself, if our latest accounts from Home are to be relied upon in the conduct of the American merchants during the recent trying monetary crisis. (Cheers.) Whence is the cause of the mighty difference which I have noticed? I answer confidently in the pre-existence of a Free Press in the present United States; (Cheers.) to the people being familiar with a Free Press in all its bearings, including those political and social benefits to Society to which a Free Press is essential, and which are as inseparable from its constant presence amongst a people, as harmony and beauty are inseparable from the works of creation. (Cheers.)

Gentlemen, I know not by what process of ratiocination it occurs, but the idea of a Free Press is invariably associated in my mind with Highland Whiskey. (Laughter.) I believe there are those here who will bear me out in the assertion, that as soon as the young Gael enters the world, he is made familiar with the virtues of "moun'-ain dew." From thenceforward he never relaxes in the laudable attachment thus early fostered. It is good that it should be so. It is good for the Highland constitution, to enable the shepherd on the mountain, the fisher on the lake, the hunter in the glen, to contend against the storms of a humid and severe climate. At the age of discretion a pint bicker or quagha, I believe, is the term of the veritable Farintosh, is but a comforting and wholesome draft; for the drinker hath ever been used to it. But give the same medicine to one who has not been taught to reverence the virtues of this *elixir-vitæ* from his youth upwards, and instead of promoting a wholesome circulation, a cheerful glow through his entire frame, it makes him a mad, ungovernable savage. (Laughter.) Gentlemen; I pray of you to pardon this long digression; charitably think that I have inadvertently mounted my hobby horse and that he has run away with me. I return to the subject of my toast and I could return to none more worthy or more noble. (Cheers.)

Dwarkanauth Tagore, then, is inseparably connected with our good and just cause. (Cheers.) At the time when all was apathy or dismay; at the time of the passing of the Press Law, Dwarkanauth Tagore and his

illustrious friend, who sleeps with the just, alone stood forth to fight the good fight. (*Cheers.*) On the first celebration of this anniversary, we were told by no mean authority, that Dwarkanauth Tagore had spent thousands with no other object than the Freedom of the Press. They went to charges gentlemen,—heavy charges which, after all, is no bad test of men being in earnest. “Kill a man’s family,” says Byron, “and he may brook it,” but keep your hands out of his breeches’ pocket.” (*Laughter.*) They went to charges, gentlemen, they entertained counsel to argue against the registration of the Law in the Supreme Court; they petitioned the Parliament; they stood, in short, like those described in the beautiful lines of Moore.

“Night closed around the conqueror’s way.”

Night, gentlemen, always closes round the way of any conqueror or who triumphs over the Press.

“Night closed around the conqueror’s way,  
And lightning shewed the distant hill,  
Where those who lost that dreadful day  
Stood few and faint but fearless still.”

Manfully did this little band of patriots stand in the breach; manfully did they continue to hope when “Hope seemed none.” (*Cheers.*) In the hour of our triumph, let not these brave hearts be forgotten. One has, as the French happily express it “gone to immortality.” But the noble, the admirable survivor, can still enjoy the applause of his fellow citizens, can still know that his name, “is in our flowing cups freshly remembered.” (*Cheers.*) I call upon you, therefore, to pledge me with hearts and voices, with three times three and all the honors. “The principal survivor amongst the native champions of a Free Press, DWARKANAUTH TAGORE.” (*Much and enthusiastic cheering.*) *Air.*—“For Auld Lang Syne.”

BABOO RAMNATH TAGORE.—Gentlemen; in consequence of the departure of Dwarkanauth Tagore from Calcutta, owing to his ill health, I regret extremely he has been unable to join with you to night for the purpose of drinking the health of our distinguished guest, the liberator of the Indian Press. (*Cheers.*) But as he is absent, I think it is a duty incumbent on me, being his nearest relation, to return you thanks for the honor you have done him in drinking his health. (*Applause.*)

J. F. LERTH, Esq.—Gentlemen; the toast which I have the honor to propose, is preceded by the name of a man whom living England honored, and whom dead, India has cause to mourn! To you who know the moral and intellectual condition of the natives of this country the boldness, the independence, the enlightened views of the late Rammohun Roy, (*Cheers.*) must be convincing proofs of his superiority over the great mass of his fellow countrymen. While these characteristics command for his memory unfeigned respect, they must induce you to admit the appropriateness of coupling his name with the present toast, “The enlightenment of the people of India.” (*Cheers.*) It is no doubt true, that many of his youthful fellow-countrymen, with their present advantages, may soon rival him in mere extent of knowledge, but no other will draw to himself that wonder and admiration which Rammohun Roy’s advent excited, at a time when, relatively speaking, moral and intellectual darkness spread itself over the length and breadth of the land. His be the praise of having first, by the inherent force of a superior intellect, burst the swaddling-bands of prejudice and caste, which keep the mind in a state of helpless infancy, to assume the full stature and to assert the natural prerogatives of a reasonable being,—a thinking man! (*Cheers.*) His name is linked to his country’s history, and to the cause of freedom, and must, on account of his unwearied efforts to improve the political and social condition of the people of India, in after ages, ranked among the most honored names of his countrymen, although during his life it was his fate, like that of many now to be found occupying proud niches in the

Temple of Fame, to be treated by his country with neglect, if not with scorn. What pleasure would it have given his mind, had he now been alive, to have witnessed our meeting this evening, under the auspices of our honored guest, to commemorate the liberation of the Indian Press, an object most dear to his heart, and by him petitioned for and advocated! (*Cheers.*) To have witnessed also the impulse which has been given, by the praiseworthy exertions of Government, of Societies, and of private individuals, to the cause of education, the great means for the enlightenment of the people of India. By promoting education we make some return to the people among whom we live for the riches, which are drawn from their country; for through education we will teach them how to improve the natural, and how to create new sources of wealth, and will raise them, in a moral point of view, in the scale of nations. This is our duty. It ought also to be an object of our ambition, as no surer method could be adopted to falsify the prediction, “that were we driven from this country no monument of state or beneficence would be left behind.” The enlightenment of the people of India will be a monument of our rule more gigantic and lasting than the Pyramids themselves. They are but a senseless mass to mark the place of sepulture of a few dead kings, ours will be a living monument to speak to latest ages of the *resuscitation* of whole people! (*Loud cheers.*) I have only now to request you to drink to the memory of Rammohun Roy, and to bespeak your best wishes and exertions for “the enlightenment of the people of India.” (*Drank in solemn silence.*)

BABOO PRORONNO COOMAR TAGORE.—Gentlemen; as a friend of the late Rammohun Roy, and one who was glad to participate, though, in a minor degree, in the persecutions he suffered, and as a native of India, I rise to offer you my warmest thanks for the honor you have done to the memory of my late lamented friend, and for the interest you have expressed for the improvement of my country. When you hear that we complain of omission on the part of Government as regards the improvement of our country and the cause of education, I wish you not to understand that we mean to say, that it has totally neglected to perform its duty, but that it has not done so much in this respect as it ought and could have done. The day when the distinctions of color, caste, and religion, and the difference between conquerors, and conquered will be totally banished, is, I am happy to say, fast approaching, when we shall be treated not as conquered but as fellow subjects of the British crown. (*Cheers.*)

Some have thought fit to surmise, that by the diffusion of education among the people of India, the connexion between her and England will ultimately be dissolved. These people, I say, are quite wrong; because, if gratitude be a feeling inherent in human nature, and if education and enlightenment tend to cherish that feeling, how can it be asserted, that if India owe to England, her mother country, a heavy debt of gratitude for her enlightenment, that she will prove an ungrateful daughter? No, on the contrary, education, and allowing to the people of India the exercise of the political privileges regarding the English, as at home, is the surest way of establishing British rule in India on the firmest basis.

Although, gentlemen, you perceive but a small number of my countrymen present this evening to do honor to the occasion, yet I have reason to believe, that it will not be long ere this cause of complaint against them will be removed. The day will soon come when in this hall and on such an occasion, your number will not command so overwhelming a majority, but rather be in the minority.

I cannot, gentlemen, proceed further. Though thoughts I have not language sufficient at command to express them. I therefore conclude with again returning

you my warmest thanks for the honor you have done me by the last toast. (*Cheers.*)

**THE CHAIRMAN.**—Gentlemen; you have drank to two of the earliest and most staunch supporters of the Press; I have now to apologize for the absence of another old friend of the good cause, James Pattle. Domestic afflictions keep him away, or he most assuredly would have been here. (*Cheers.*)

**T. DICKENS, Esq.,** rose and was greeted with enthusiastic cheers, which seemed to affect and embarrass him very much. After a short pause he said:—Gentlemen; your kindness almost overpowers me, I rose to purpose to you the "Indian Press," wishing to dwell upon the subject; but I fear I shall be unable to do justice to it. Permit me to vivify and personify, as far as the past is concerned, that abstraction which we call the Indian Press, and recall to your memory a few, and but a few, of those whom I have known as its avowed and responsible conductors: all friends, I am proud to say, of my own, and all, as you will admit, worthy of the public esteem. The end and aims of the Press of India may be well judged of by a bare mention of the names of those who were engaged in it. Let me recall to you those of Fularton, of Compton, of John Grant, of William Adam, of James Sutherland, (may I be pardoned for speaking too of myself as one of those men,) of my friend long since gone, Dr. Abel, whom many of you must remember personally, and most knew by reputation. Many recollections crowded upon and make me, however much I desire it, incapable of doing justice to this toast. From those names of its avowed conductors which I have given you, and to the list many more names equally worthy might be added, every one may judge of what has been the general character of the periodical Press in this country. I give you, gentlemen, the *INDIAN PRESS*. (*Loud cheers.*)

**MR. SAMUEL SMITH.**—Gentlemen; though labouring under rather severe indisposition, I rise with pleasure to express, as well as I am able, the acknowledgements of the Press, for the toast just proposed by Mr. Dickens, which has been so flatteringly received by this company. After the very eloquent addresses you have listened to from the excellent Chairman, Mr. Clarke, and other highly talented gentlemen, who have said all that can be advanced on the subject, it would be a vain endeavour to address myself to you on the value and importance of a Free Press. I shall not, therefore, make the attempt. Besides, on two former occasions when I had the happiness to meet many of the gentlemen I now see around me, to commemorate the glorious event of the *Emancipation of the Indian Press*, I had opportunities of which I availed myself freely and fully to describe the former state of the Press, and express the deep obligations of its conductors to its honorable and magnanimous liberator. (*Cheers.*) I shall not, therefore, now detain you by any repetition of the experiences of the olden time, when the unfortunates of the Indian Press dragged on a shackled existence, disgusting to themselves, and contemptible in the eyes of the public. From these shackles,—we acknowledge the boon with the most grateful feelings,—they were freed by the magnanimous Act of Sir Charles Metcalfe. (*Loud cheers.*)

It is true that we had long enjoyed *by sufferance*, under Lord William Bentinck (and even under Lord Amherst, in a lesser degree,) nearly the same freedom of expression, we have since practised *under the law*; but none of us knew the day, the hour, when the death, departure or supercession of a liberal Governor by a Tory Lord, an enemy to liberal measures and freedom of discussion, might again plunge us into the depths of that disgraceful thralldom from which we have been liberated by Sir Charles Metcalfe. (*Cheers*) The new Governor, finding a Press-gagging law on the books, might easily enforce it unobstructed by the difficulties which would attend the concoction of a new law. What would then have been our humiliating position?

Who that had ever tasted of freedom would again patiently submit to bondage,—to bondage of the worst description,—to bondage of the mind,—to prohibition of the free expression and interchange of opinions between men, by nature and by habit free. Not I, for one, and I had accordingly looked forward gloomily to the daily expected arrival of Lord Hayesbury, and the departure of Sir Charles Metcalfe in 1835. But the bright star of the Indian Press was in the ascendant. Lord Hayesbury came not, and Sir Charles Metcalfe remained our Supreme Governor, long enough to fulfil his noble intention: he passed the glorious white act of 1835,—he gave Freedom by Law to the Press of India. For this one act, if for no other, his memory will live in the grateful recollection of all who prize freedom of thought, freedom of expression, Freedom of Press,—and who does not? England, to which happy land, the head-quarters of the Free Press, our liberator is now proceeding, will receive him with open arms,—will join the friends of freedom in India, in loud acclaim—will hail with joy the arrival on their shores of Sir Charles Metcalfe, the *Liberator of the Indian Press*. (*Much applause.*)

Gentlemen, as a member of the once shackled, now free Press of India, I thank you for the honorable mention of our tribe,—for your handsome reception of the toast, and I trust that the Press of India will never disgrace the good opinion which, after some years of trial, you appear to entertain of it. (*Cheers.*)

**CAPT. T. J. TAYLOR.**—(*Madras Army.*)—The toast, gentlemen, I have now to propose, requires but few prefatory remarks on my part, for it is one which will at once strike home to every patriot breast. There is one country dear to every Englishman,—one people for whom our earliest sympathies are enlisted. Need I say that that country is Poland? whose heroic struggles, alike in the past and present century, are above all praise, and from the most touching portion of modern history. (*Cheers.*) On such an occasion as this, when met to commemorate the anniversary of the day on which, after a long but happily a bloodless struggle, the safeguard of our liberties, the palladium of our rights in this country, the freedom of the Press was achieved, the fate of that unhappy people demands our especial sympathy; for of all the sufferers in the cause of Freedom none have experienced such woes as Poland. (*Cheers.*) Who is not familiar with that tale of woe, and has not mourned over the fate of her gallant defenders? Who has not breathed a heartfelt anathema against the tyrant conquerors of her soil, of her princes, nobles, warriors? How many fell before the oppressor's sword, or expiated on the scaffold the crime of having defended their country! (*Cheers.*) How many were swept away to the snows of Siberia; others thrust into dungeons,—fit tenements only for the adder or the toad,—how many linked in chain-gangs on the ramparts of Warsaw, while others hardly less wretched, and stripped of their possessions, were driven forth in banishment and poverty, to seek subsistence, as they best might, in foreign lands! Such was the treatment the men experienced, the women were treated worse. Every insult and outrage that could dictate or ingenuity invent has been wreaked on that ill-fated race. Females even of the noblest blood of Europe, were made to labour on the roads, the scoff of mocking soldiery, exposed to insult, outrage, the chain and the scourge; and of their offspring, sucklings were torn from their mother's breasts and dashed headlong from the ramparts of Warsaw, as if in derision of the walls so gallantly defended by their unhappy wives, while others of larger growth were sent off to Siberia or to military colonies thousand of miles distant, and—horrible cruelty!—their names were changed so as to prevent the possibility of tracing, in after years, their present destination. And for what were all these miseries inflicted on this noble people, the bravest of the brave, the most injured of the oppressed? For what, but for claiming fulfilment of a constitution guaranteed to them by the

most solemn treaties, and for venturing to dream they might yet be free? They have failed for a time, and misery has invaded their hearths; but the spirit of that race is yet unbroken and the hour of retribution will surely come. It cannot be, that the moan of the widowed mother,—the cry of the fatherless child, or the groan of the patriot, calling in dying agony on his fellowmen to avenge his death, on his God to save his country, will have ascended to Heaven in vain! The hour will yet arrive, when overgrown, bloated Russia, that cradle of treachery and despotism, shall pay in tears of agony and blood for the infamous wrongs she has heaped on Poland. (*Much applause.*) That the hour of reckoning is not far distant; that Sarmatia may resume her proud place among nations, and justice be rendered to her chivalric but suffering sons, is the hope and wish of every true-hearted Briton. Up then all classes, and with one heart and one voice let us fervently unite in the patriot's toast—"The Regeneration of Poland." (*Much enthusiastic cheering.*)

"Tyrolese Air."

VICE CHAIRMAN.—Gentlemen. Would that I could exchange my feeble voice for the inspiring eloquence of one of those old Spanish ballads of chivalry, which stir the heart as with the sound of a trumpet, while I propose to you our next toast. It is "The cause of Constitutional liberty in Spain and Portugal." (*Cheers.*) That this holy cause will ultimately triumph I cannot doubt, not for a moment,

"For freedom's battle once begun,  
Bequeathed by bleeding sire to son,  
Though baffled on is ever won."

But ever while the struggle lasts it affords, if ever earthly events afforded it, an example and a warning to us in this country. The atrocities which have distinguished this fearful contest are the continual theme of liberty. Whence arise those atrocities? Again I maintain what I have but a short time since upheld, that they have their origin chiefly in that state of darkness in which the people of Spain and Portugal have been kept for centuries, until now when their eyes are opened they cannot bear the light. I will put a question. Does any one believe that if by any strange chance, a Free Press had been gifted on the institutions of Spain in the days of Charles the Fifth, when the intellect of the nation was comparatively young;—does any one believe, I say, that in such a case the revolutions of the few past years, or at least what has been most fearful and deplorable in those revolutions, would have occurred in the days of Ferdinand and Christina; in the days when the intellect of the nation has arrived at maturity in all but the first knowledge of a wholesome liberty? The thing strikes me as a mere impossibility. Bloody revolutions are the offspring of grinding abuses,—of abuses even more fearful than the frantic efforts under which they perish. But with a Free Press in Spain and Portugal exposing abuses from the days of Charles the Fifth, there could have been few or none to overthrow in the days of the two queens who now reign in those lands. Is not this a warning and a lesson to us in India? But the night wears and I will not allow myself to dilate upon it; I will only call upon you to drink, with the honor my toast assuredly deserves, "*The cause of Constitutional Liberty of Spain and Portugal.*" (*Cheers.*)

Air,—"*Ca Ira.*"

DR. JOHN GRANT.—Much more practised speakers than myself have expressed a diffidence of their own powers in addressing you, gentlemen; you may well believe me then, when I declare that it is with the most unaffected distrust of my own capability to do it justice, that in obedience to the command of the chair, I rise to propose a toast. This is the less surprising, since it is a toast of rather large proportions; reminding me somewhat of the three gentlemen rolled into one. (*A laugh.*)

I had hoped that I might be permitted to remain a quiet spectator,—a sympathizing listener on this occasion; for though second to no one in the sincerity and warmth of feeling due to it, yet I could have preferred for several reasons giving a silent vote, but one from the bottom of my heart, for the continuance,—the permanent duration of the inestimable boon which we owe to that great and good man, whose presence confers such a deep interest upon, and I may add stamps with a character of solemn parting tenderness, this eve of civic commemoration.

But it may not be; our chairman (who with such rare felicity fulfils his task) has issued his mandate that I should speak, and deeming as I do cheerful obedience to all just behests of the ruling powers, and a proper respect for constituted authorities, the very basis upon which genuine and rational freedom rests, I bow to the wish of our president. Let me not, however, be misunderstood; no lurking or unmanly timidity as to consequences,—no trimming hesitation in declaring openly and freely my honest opinions when decorously expressed (for such I hold to be my inalienable birthright, of which no man can legally deprive me).—I say that no such unworthy feeling entered into the reasons that inclined me to be a listener rather than a speaker here, but a downright diffidence of myself, a grave doubt,—a doubt which still oppresses me, of my own power, (all unprepared as I am and more especially at such a late hour in the evening) to do justice to the toast which I hold in my hand. I appeal to yourselves, gentlemen, if I had not just reason to shrink from the somewhat formidable task of proposing a toast, comprising such a magnitude of interests, such boundless potentiality of good, such sublime aspirations of hope for the well-being of universal man as *Constitutional freedom and civil religious liberty all over the world?* Do I suppose that there is one person in the room, nay in this great city, who would object to drink that toast? No, certainly, I cannot imagine such a thing possible; I may as readily conceive the weary sojourner in the parched wilderness of this life, preferring the bitter pools of Marah to refreshing draughts from the living rock of Truth! And yet when I look around me, numerous and respectable as this assembly is, I miss many whom I regret not to see among us. Why is this? They differ from us perhaps in mere shades of opinion; and yet I can scarcely conceive but they must concur in the same conclusion, that I am sure all here have arrived at, that constitutional freedom, as civil and religious liberty, cannot co-exist along with a gagged Press. Be that as it may, the march of improvement will on, and the time may come when they will, perhaps, be sorry for having absented themselves this evening. In my own case, I frankly confess that I should consider myself a recreant to a noble cause if I had not attended, not merely from respect to the cause itself but from my esteem and affection for the LIBERATOR. (*Cheers.*) I fear, at this protracted hour, after so many brilliant and excellent speeches, to trespass long upon your indulgence, but for this circumstance I should have taken a wide range (for this I might freely claim for the nature of my toast), and have glanced at a far gone epoch when civil and religious liberty were but obscurely understood, inadequately secured, and little practised. Tell me of a country where civil and religious liberty are not under the guardianship of a Free Press, and I will reply, that though mere animal happiness may be found there, yet in that country shall you find no high tone of moral enlightenment; no masculine consistency of character; no intellectual greatness! (*Cheers.*) Taking no advantage of the all-over-the-world freedom of my toast, did time permit, I might have carried you to Consular Rome. I might have asked of you if she was not continually moulded to their own selfish purposes by haughty iron-willed aristocrats, glozing, wily orators, and factious demagogues, the people having no Free Press to open their eyes to their true interests, or to keep them broad awake

to their own rights? I should then perhaps have carried you to Imperial Rome—and treated you to sundry school-boy reminiscences and historical clap-traps. I should have demonstrated to you that where there is no Free Press, public opinion must be a nonentity; for that which is tongueless, bowed, and flattered, despotism sees not, hears not, fears not, feels not, until some enthusiast's dagger or the drugged cup of death gives the first dreadful hint to that tyrant, that he has gone too far! I should have edified you with strictures on the dire cruelties, the measureless flagitiousness, the monstrous crimes, the gigantic vices, of the masters of the great Babylon and their creatures; I should have rung the changes on sundry Gibbonisms, and endeavour to follow them with illustrations of my own, proving as I went along that these horrors mainly emanated from the want of a Free Press. I should have refreshed your recollection with the sayings and doings of the dark unrelenting Tiberius—the mad Caligula—the stupid Claudius—the cruel Nero, the beastly Vitellius—the timid, inhuman Domitian and other sons of Belial, whose names have come down through the lapse of ages giving to the moral sense the perception of an oppressive sickening taint of foulest corruption, as hideous as the pestilential vapour of the burning lake of Sodom and Gomorrah!

I should then have taken a bound and alighted in merry England. Do you wish to know how she fared when she had no letters, no liberty of the Press? I content myself with a simple fact recorded by a writer of those times of one of the not worst of her Kings, (albeit he was rather stingy) Henry VII., in whose reign, the gallows was emphatically said to have *devoured* one hundred thousand souls! Think of that; there was no Free Press to suggest turning these poor wretches to better account than hanging. Bear in mind that they fell not fighting in battle for their country,—that they were not swallowed up in tempests by the roaring ocean, or swept off even by famine or pestilence. No; they were *devoured* by the gallies!

Had time further permitted, I should have asked you if many a deed of blood and violence of which England was the scene, would have taken place had there been a Free Press? Whether the executions and the massacre that throughout Europe gave a red glare to the dawning of the reformation would have occurred with even a limited Free Press, or at least whether they would not have been greatly modified by that controlling power? I should have applied the same reasoning to the frightful massacre of St. Bartholomew and the base revocation of the edict of Nantes. But these things some objector will tell me were done by Catholics! I say that they were done by ignorant and furious men and not by Catholics, because they were Catholics. That they were the doings of a dark and sternage when men were grossly ignorant, tremblingly fearful, and erratically superstitious, for nothing is so cruel as bigotry and suspicion in their hour of power. He who with impartial eye scans history will not bandy recriminations with his erring brother Christian, for be it borne in mind, that Protestants too, in their hour of ascendancy, could be suspicious, oppressive and cruel in their turn, as witness certain acts in the time of Elizabeth, and certain doings in England and Ireland that followed in the times of succeeding sovereigns, of the tyrant Stuart dynasty. Oh! no. Both parties, as respected these unhappy proceeding of days past away, should forget and forgive, and like Lockitt and Peachum in the play, shake hands saying "Brother, brother! we are both in the wrong." What I would have asked brought Charles I to the block but the want of a Free Press? I should have also given the usual touch in the bye-going to the cause for which Hampden bled in the field, and Sydney and Russell on the scaffold, and have summed up with the glorious revolution of 1588. Linking the whole as I went along with the liberty of the Press, or rather its enslavement! And be assured, (for I had nearly forgotten it), that I would have paid a visit

to France and called at court during the reign of Louis the XIV., Louis the XV. and the Regency of Orleans. Oh! times of shame and overwhelming iniquity, when it was considered distinction by families calling themselves noble, a brilliant distinction, to have a lovely female of their house a king's harlot; when high ecclesiastics and ministers of religion, professing to be servants of the God of purity and holiness, cringed at the levees of unblushing courtizans; and when foul dishonour, and festering corruption polluted the depths of the fountains of social intercourse, bringing disgrace to every hearth; a monstrous perversion of manners big with lurid horrors to come, but which would have been checked or neutralized by the energy and corrective vigor of a Free Press.

But let us pause! Many of us view war and pestilence, tempest and earthquake, as special effects, and resulting from an over-ruling first cause. Shall we recognize the Eternal, who though he be the just, is also the merciful. Shall we recognize the omnipotent only in movements of chastisement and terror? Oh, be sure that whatever of the blessings of peace and freedom we enjoy, we derive from that everlasting first cause whose essence is love, and who works all second causes to fulfil the councils of his holy will! So believing, am I extravagant in viewing the freedom of the Press bestowed on us by our late beloved ruler (God bless him for the act!) as the gift of Providence? And do I not exceedingly value it, so considering it—and do you not all? To be sure I have heard some sinister reports respecting its abrogation; but I do not believe them. While a reform ministry is in power—while a reformer, ay, an ultra reformer, as I remember, presides at the India Board—while a liberal statesman sits in the chair of India direction, and while a reformer, and a reforming member of the council of India is on his way to watch over the cradle of our young freedom in England—while, I say, Mr. Macaulay, a staunch and declared friend of the liberty of the Press, lives to speak and write for us—and above all, while we have the *liberator* of the India Press to be an advocate for us in our dear and common country to which he is about to return, and where I hope he will turn the powers of his masculine understanding and great experience to public account—I for one have no fear respecting the freedom of the Press. We have now substantially enjoyed this blessing for several years—under one ruler by sufferance, under another (our distinguished guest) by a free will grant! The large, respectable, and brilliant meeting of this night, I hail of itself a proof that the benefit is properly appreciated, where is there any good reason why it should be cancelled. While I can legally and without impropriety do so, I avail myself of the opportunity to declare, that I feel convinced it has done, and is effecting a great deal of good. The cause of education and the general enlightenment, no less than of good and neighbourly feeling between native and Europeans, has made a more rapid progress within the short period that the Press has been free, than for many years before. I firmly believe that the repeal of this liberty would be a serious evil, for independent of the side lights that may be derived by authority from the working of the Press, I am convinced that it possesses in itself a latent power—a sovereign virtue of great force, from protecting the lieges in a variety of indefinite ways, for assuaging "the insolence of office, the law's delay and the spurns that patient merit of the unworthy takes," and curbing household and neighbour tyranny, and for ameliorating general demeanor and conduct. Depend upon it, that many a choleric man in his ire, and many a quarrelsome one in the effervescence of his ill humour, holds back his hand, when he recollects that there is Mr. Stoeckner over the way or Mr. Smith and bethinks him twice how he indulges in undue violence or wrong. But let not our appreciation of the blessings of a Free Press evaporate amongst the wine cups. Show that you truly value it,

by holding a public meeting to that effect, and putting your sentiments solemnly on record. But I have detained you too long for which I beg your pardon ; I return you my best thanks for the kind attention with which you have heard me out ; I need not request you to fill a bumper to my toast, since you have already done so ; let us drink then with all the honors *Constitutional freedom and civil and religious liberty all over the world.* (Much applause.)

THE CHAIRMAN.—Gentlemen ; I call upon you to drink to a body, second in importance to none in this country—The Merchants of Calcutta. (*Cheers.*) To them India is much indebted, for they have greatly aided in effecting all the improvements which have been made here. In fact, the freedom of commerce and the spirit of improvement go hand in hand. You all will join me in drinking to the Freedom of Commerce and the Prosperity of the Merchants of Calcutta. (*Cheers.*)

Mr. Patrick returned thanks.

W. P. GRANT ESQ.—Gentlemen ; I am about to propose to you a toast that I have great satisfaction in giving, and it is one I have no doubt will be drank with great enthusiasm ! The Trades of Calcutta, I am sure they are a very useful body, and the country should be greatly indebted to them. I confess, I conceive that any man who induces a Hindoo to stoop to put his foot into a neat's leather, does service to society ; and I am sure that he who prevails upon a Mahomedan to bestride a saddle made of the skin of the unclean beast, deserves the thanks of the community. Gentlemen ; I give you the trades of Calcutta and success to those trades.

Air—"Money in both pockets."

WILLIAM SPIER, ESQ.—Gentlemen ; in addressing you on the subject of steam navigation, I shall at this late hour make but few observations, being satisfied that it has your best wishes. Already we experience its advantages in the regularity and rapidity with which the late mails have been received from and transmitted to England ; but we regard steam navigation in a broader light, we look upon it as in America, peopling her rivers with life and energy, and bringing into connexion the distant points of her immense territory. We anticipate the same results for India ; nay, more, we anticipate steam navigation as traversing the globe, connecting together distant nations, facilitating the intercommunication of thought, and giving a new impetus to the growing improvement of mankind. (*Cheers.*) When we look back upon the history of our race, we cannot but be struck with the vast strides which have been made during the two preceding centuries, by which the earlier world has been left at an immeasurable distance. On adverting to the causes of such rapid progress we find the Press in conspicuous operation, (*Cheers.*) the science of chemistry also, giving new powers to man,—powers so amazing, as to be almost appalling. Commerce has done much in promoting civilization, and last of all, in steam navigation, a new principle is coming into play, and giving a fresh impulse to the world : by it nations, the most dissimilar in character are being brought into approximation ; the ignorant with the enlightened, the barbarous with the civilized, the cowardly and enslaved with the bold and the free. Individual efforts may fail ; the plans of public bodies may be paralyzed ; but these mighty agencies bear irresistibly onward, and carry with them the advancement of the human race. (*Cheers.*)

To those reflecting on this advancement, it is cheering to remark, that these great general causes of improvement are yet in their infancy : commerce, chemistry, and steam navigation are but commencing ;—the Press, if we observe its condition in most countries, is not yet free ; some unaccountable influence pervading the press still wraps it in swaddling bands,—some demon of hate still holds the gigantic infant in his grasp,—but good

and noble-minded men have unloosed, and are unloosening its bands—and it will be free !

I will only mention in conclusion, that no one can have regarded the state of this country—no one can have listened to the appeal we have just heard on the enlightenment of its inhabitants, without wishing prosperity to steam navigation, and to every means of communicating knowledge and improvement to India. (*Cheers.*)

Air—"When Vulcan forged the bolts of Jove."

VICE CHAIRMAN.—Gentlemen ; "Justice for Ireland !" I will not be confined afar of behind my very remote Vice Presidential table. No ; I will come forward, as I hope the subject of my toast will come forward, into the midst of you and cry "Justice for Ireland !" (*Much cheering.*) Ireland one might have thought, had already suffered under every variety of injustice which a nation could endure ; but no ! the poisoned chalice is not yet exhausted, and another act of injustice has recently been hit upon of so strange a nature that I wonder it has not excited more universal attention. Whenever any liberal measure has been carried under any administration since the passing of the Reform Bill the cry enemy, nay of many from whom one would expect better sense, has been, "Oh, that was carried by the Irish Members !" In the name of Heaven what insanity, what tom-foolery is this ! What do people mean by Irish members ! I know of no Irish members, no Scotch members, no English members ; I know only of the British members of the Imperial Parliament, the great council of the British people. (*Cheers.*) But the cry of "Irish members" of "O'Connell and his tail," and a thousand such absurdities, have gone through England and the same buffaloes, gullible people, my own countrymen, though they be, whom I found trembling in 1827 lest some half million of quiet English Catholics should rise up and massacre, and burn, put into thumb screws the entire English and Scottish nations, I now find crying out against every liberal measure that it is carried by "the Irish members." Shame on this folly. Hither the union with Ireland is an union in substance as well as form, or it is not. If it is, then are there no Irish members, all are British members of the Imperial Parliament. If it is not, for God's sake dissolve the union and let the Irish people legislate for themselves. (*Cheers.*) For own my part I shall never think justice done to Ireland until every tittle of right, every privilege, every atom of freedom, every form of municipal and local and general Government, is as fully established and as fairly administered in Ireland as in the Irish kingdom. This is the last toast on record for the evening ; were the words the last I should ever utter in this hall they should be "Justice for Ireland." (*Much and long continued cheering.*)

Air—"Erie go Bragh, and Patrick's day."

THE CHAIRMAN.—Gentlemen ; Mr. Parker has just proposed to you the toast of "Justice to Ireland," and admirably and energetically has he depicted the qualities and capabilities of that fine nation which lies on the western shores of Britain. But there is another nation on our western shore more distant in situation, but not less nearly allied, which may be well called the child of England. They themselves term us the old or parent country, and well may we be proud of having such descendants. From us they have sprung, with us they inherit the love of liberty, the attachment to enterprise ; while in the pursuit of all of what a nation should be proud, England has met with a forward rival in America. (*Cheering.*) She alone of all other states has rivalled us in arts, in literature, in commerce, in wealth, in independence, in gigantic strides towards national power, and fiercely and bravely has she battled with us on the ocean—our own—peculiar element. (*Mr. Clarke stopped here for a short time, and then added.*) I wished and ought to have said much more, but I have lost my voice from exerting

it in filling this large hall ; I must therefore apologize, and conclude with a toast which needs no recommendation to such enthusiastic lovers of freedom, prosperity gentlemen, to the United States of America. (*Loud and prolonged cheers.*)

Dr. HUFFNAGLE.—I wish, gentlemen, for your satisfaction, that some one else was present to claim an American birthright ; as the pleasing duty, however, devolves upon me, accept my sincere acknowledgements. It is hardly necessary to remark that in celebrating an event of such vital importance as that which you have met this evening to commemorate, you would have the hearty concurrence of every American. It has ever been the policy of the United States to facilitate the distribution of public journals, and their circulation there, is perhaps, much more extensive than in any other country ; every man in America takes direct interest in political affairs, and every act of Government must daily pass under the public eye. We depend upon the diffusion of knowledge among our citizens for the security of our institutions, and we regard as our protecting "Ægis" the *Liberty of the Press* (*Cheers.*) I will not detain you, gentlemen, but while offering you assurances that your friendly feelings are cordially reciprocated, allow me to observe, that when the line of communication, by means of steam vessels over the western waters shall have been established, our respective nations will be brought comparatively close to each other. The reign of prejudice must then cease—the bounds of amity and relationship between Great Britain and America which must be strengthened, and the Atlantic which rolls between them must for ever prove a *Pacific Ocean*. (*Loud cheers.*)

JOHN GRANT Esq.—Gentlemen ; you have already drank to Sir Charles Metcalfe as the Liberator of the India Press ; I now call upon you to drink to him again not as the liberator of the India Press, but as Sir Charles Metcalfe, one of the brightest ornaments of his age. (*Much cheering.*)

SIR CHARLES METCALFE.—Gentlemen, will you do me the favor to fill your glasses to drink to a toast I am about to propose. I give you, gentlemen, with the greatest pleasure, the healths of the talented chairman and stewards. (*Cheers.*) Before taking my leave of you this evening, I cannot refrain from expressing my full concurrence in the various sentiments expressed by the several talented speakers ; and from the eloquence, independence and high manly spirit displayed, I look upon the proceedings of this meeting, as one of the greatest importance. (*Cheers.*) As far as these proceedings relate to myself, I will ever most fondly cherish the recollection of them ; and consider this evening as one of the proudest moments of my existence ; (*Cheers.*) and wherever I may pass the rest of my life it shall be my endeavour, in all my future acts and career, to preserve the good opinion, and to continue to merit the degree of estimation which has been expressed for, and shown to me by you all, on so memorable an occasion as the present. (*Much cheering.*) Gentlemen, I give you the healths of our talented Chairman and Stewards. (*Drank with much cheering.*)

The Chairman returned thanks.

About a quarter to one A. M. Sir Charles retired, and the greater part of the party, shortly afterwards, followed his example.

A knot of the party, comprising Messrs. Clarke, Leith, Stocqueler, Scott Thomson, Captain Forbes, Captain Harrington, Capt. Vint, Dr. Grant, &c. &c. then took to the high table, and with the help of devilled turkeys and champagne, spun out another hour—one of the "wee short" ones. During this period, Mr. Thomson proposed the health of "Capt. Williams, of the *St. George*, and a prosperous voyage to the ship that bears Sir Charles Metcalfe." Mr. Stocqueler proposed the healths of Messrs. Turton and David Hare, and numerous others were drank until the festival was considered complete.—*Hurkaru, February 12.*

## DINNER TO SIR C. T. METCALFE.

About eight the company, which consisted of nearly 200 persons, having assembled, two of the stewards stood before the open door of the dining hall, to prevent any one entering it before Sir Charles, who was conducted to it by Sir J. P. Grant, the president, and the other stewards. After Sir Charles had entered the hall, the rush to obtain admittance was really so great that those who were in the midst of the throng were involuntarily borne forward. Sir Charles appeared to be in perfect health, and not in the least fatigued by having kept up the previous evening at the Press dinner.

After the company had done justice to the dinner, the president, who sat at the head of the table on the left of Sir Charles, rose and proposed the health of Her Majesty. It was not usual, he observed, to preface the toast of the Sovereign with many prefatory observations ; on the present occasion he would deviate from that usual course, in consideration of the sex and age of the sovereign ; and also because that was the first time on which he had the honor of proposing Her Majesty's health. Her Majesty had been called at a tender age to administer the affairs of a great nation, under the advice of able and experienced Ministers : but these Ministers were of her own choosing. Modesty, prudence, and firmness had already marked Her Majesty's early career, and there was every measure to hope that she would always sustain such a character. The toast was drank with enthusiastic cheers.

The health of the Queen Dowager was next given from the chair, and drank with all the honors.

In giving the health of the Duke of Sussex and Royal Family, the president alluded to the personal feelings of gratitude he entertained towards that branch of the family, arising from early associations.

Drank with the usual honors and much cheering.

The Governor-General of India in Council was next toasted with all the honors.

The health of Sir Charles Metcalfe was proposed by the president in a most eloquent speech, of which the following is a rough sketch. After some preliminary remarks, he said, that it was now about three years since he had the honor of occupying a similar position to the present in this place, except that on that occasion he had to wish Sir Charles a safe passage over the waters of the Ganges ; but that now the same wish must be expressed in regard to the boisterous ocean. They had not met to consider the conduct of Sir Charles when he acted as the vice president, nor as the Governor General, nor as the Lieutenant Governor of the north western provinces. His conduct was well known to every class of the community, and each man would express his opinion on it. His conduct would be decided upon by the public, to whose judgment Sir Charles was too honest a man not to submit. They had assembled in order to bear testimony to his private character ; to express their



some of his conduct in all the social relations of life. They had assembled to bear testimony to the fidelity and the other virtues he possessed. They had assembled to bear testimony to that kind indulgence with which he always looked upon the failings of others, whilst himself practised the highest virtues. In short, they had assembled to bear testimony to the great excellence of his character, not as a statesman, but as a man. (Deafening and continued cheers.) Every society of which he had been a member had been promoted, and every individual who approached him in distress received relief. His munificence to every institution in the establishment for the happiness of man was well known. To every one he extended his assistance in relieving his distress to the utmost of his power. These things could not be recollected without considering Sir Charles as one of the best friends of this country; one whose memory should be cherished in the bosom of every man. He wished Sir Charles a safe voyage to England, a happy meeting with his friends, and a long life to enjoy the well earned honors he carries with him. (Deafening cheers repeated.)

Sir Charles returned thanks, and alluded to the splendid entertainment, with which he had been honored, and the warmth with which his health had been drank, the recollection of which, after his departure from India, he said, would cheer him through the remainder of his life. He begged the company to accept of his most heartfelt thanks. (Cheers.)

The president then proposed the Bishop of Calcutta, with a few appropriate remarks. Drank with the usual honors.

The president would next propose the health of one who would gladly have been here if his health had permitted. He meant the Deputy-Governor of Bengal. Drank with all the honors.

The British Navy was the next toast.

Captain Crozier, of the brig *Victor*, returned thanks in behalf of the Navy, of which, he said, he was but an humble member. He hoped the British Navy would always maintain a high station in the estimation of this community. He hoped she would defend not only the shores of England, but also of all her colonies.

The Army, said the president, required as little preface as the Navy. He would, therefore, simply propose the Commander-in-Chief and the British Indian Army. Sir W. Cotton, as the senior officer in the room, returned thanks for the Army.

The Bengal Civil Service was the next given, by the president, who alluded to the high talents and integrity of its members. Mr. Rattray returned thanks.

Mr. R. S. Thomson here sung, "Oh! tell me how to woo the love."

The Ladies of Calcutta was the next toast given from the chair. It was one, said the president, to which every body he was sure would drink with great delight, and one which was well suited to the occasion. He would not enlarge upon their praises; for he feared he would not be able to do justice to the subject. He could not now express himself with so much warmth as he could some years ago. He would, therefore, simply propose, The Ladies of Calcutta.

Mr. H. M. PARKER.—He was sure there was not one in the room who would not readily lay down his life for the fair sex; yet it was strange that no one had arisen to speak for them. He would, therefore, try the experiment, though all the oratory he was master of could not come near the eloquence of their eyes. After a few more humorous observations, which we could not catch, owing to the great distance at which we sat from the speaker, he concluded by wishing the Ladies of Calcutta, health, happiness, and all the blessings that can follow.

The president would now rise to propose the health of a body to whom India, like other countries, owed her prosperity. Commerce was the cause of mutual intercourse between the different separated branches of the family of man, and of their civilization. In this city there were two great names connected with commerce, one a European and the other a Hindoo, who would have been here if business had not prevented. He meant Mr. Cockerell and Dwarkanath Tagore. One who had brought his wealth to this country from England; and the other, though a Hindoo by birth, was possessed of the intelligence and notions of Europe, and had established an agency house. He could not pass over the name of this noble individual, without alluding to his late munificent donation to the District Charitable Society. The president hoped that all the natives as well as Europeans would follow his example. Had he been in Calcutta, the president was sure he would have joined the company in celebrating such an occasion.

After a pause of some minutes, Mr. Johnston sang the well-known national song.—"Auld Lang Syne."

Success to steam communication between India and England was then given from the president, who alluded to the exertions of Lord William Bentinck in this behalf, as one of the instances of that nobleman's devotion to the cause of this country and its future promotion. Commerce, he said, was the bond of union between distant nations, and steam navigation formed a part of the means of carrying it on. He recommended unity among the supporters of the scheme, and that differences should be set aside in this great undertaking. In conclusion, he proposed the health of Lord William Bentinck, and the firm establishment of steam communication.—Drank with loud cheers.

Sir Edward Ryan said, that as Mr. Parker had set the example of returning thanks for the ladies, he would do the same for the steam communication. He had always been an advocate for steam communication in India. His honourable friend, the president, had not, however, explained whether he meant the success of a small experiment, or the establishment of a general system which would open a communication between England and all the three presidencies of India. From the allusion to the exertions of Lord Bentinck in this regard, which were directed to the general scheme, he however concluded, that the toast must mean that, and in that sense he would acknowledge the compliment. He was glad to observe the question of steam introduced into meetings of this kind, for by constant agitation he thought every thing could be gained.

The Marquess of Wellesley was the next toast given from the chair. This was an appropriate toast for the occasion, in consequence of the friendship that subsisted between Sir Charles Metcalfe and his Lordship, whose conduct in India had now become a matter of history. There was, however, no man who had done more good to this country than his Lordship. The improvements made to this town were among the proofs of his exertions. But the greatest benefit he had done was to introduce Sir Charles Metcalfe into the Indian service.

Drank with all the honors.

The Duke of Wellington.—On the political opinions of the Duke, the president would offer no opinion. The military achievements of his grace were well known to all, and also that this was the country in which he was bred to the use of arms. Drank with all the honors.

There was no subject, said the president, which could interest those who came to this country from England more than the improvement of the natives, a cause in which Sir Charles had laboured with others. He gave the advancement of the natives of India in civilization, and their improvement in knowledge and morals. Drank as usual.



The president, I challenge any man to state an objection to the toast I am about to propose, which is a very appropriate one to the present occasion. I give, Liberty all over the world. Drank as usual.

Mr. H. M. Parker proposed the Bar of Calcutta, which was drank with all the honors; and Mr. Longueville Clarke returned thanks, apologizing for his hoarseness, by saying that he lost his voice in a good cause the night before, viz. the Liberty of the Press. (Cheers.)

Earl Grey—The president, without alluding to his political opinions, as he had done in the case of a great

soldier, would now propose the health of an eminent statesman and civilian. He meant Lord Grey, a man who had devoted his life to the service of his country and the cause of liberty.

Sir Charles Metcalfe proposed the health of the President, the Vice President, and the stewards, which was drank with all the honors.

The president returned thanks for himself and his colleagues; and hoped some of the stewards would better be able to return their own thanks.—*Hurk., Feb. 13.*

## METCALFE MEETING.

The meeting at the Town-hall yesterday afternoon was numerously attended, Sir Edward Ryan presiding. The chairman briefly opened the proceedings, stating, in the terms of advertisement, a preliminary meeting had been held at his chambers to consider in what manner all classes of society might best unite in doing honor by a public entertainment to the eminent public and private virtues of Sir Charles Metcalfe.

The Hon. Mr. Shakespear proposed a resolution, which was seconded by general Macgregor, and carried, that a public dinner be given, and that Sir J. P. Grant be requested to preside, and Sir W. Cotton to undertake the office of Vice-president.

Mr. H.M. Parker proposed a resolution forming the committee. He stated that the list comprised all classes. He alluded to the proposed dinner to be given to Sir Charles by those who appreciate his measure of freeing the Indian Press. But the dinner now under consideration was distinct from all political feeling; it was to shew their regard for a great and good man, whose heart was open as day to melting charity, and whose hand was as open as his heart. Mr. R.D. Mangles seconded the resolution, which was carried. The following are the names of the stewards.

The Hon. Sir Edward Ryan,	Dr. Raleigh,
The Hon. H. Shakespear,	Mr. John Bell,
Mr. James Pattle,	Mr. H. Wollaston,
General Macgregor,	Mr. P. A. Cavorke,
Colonel McLeod,	Mr. James Prinsep,
Mr. Longueville Clarke,	Mr. E. Molloy,
Mr. O'Hanlon,	Capt. T. J. Taylor,
Mr. T. Holroyd,	Mr. D. Hare,
Mr. Alexander Colvin,	Baboo Prosunnoo Comar
Mr. W. Prinsep,	Tagore,
Captain Harington,	Baboo Russomoy Dutt,
Mr. R. S. Thomson,	Mr. Rustomjee Cowasjee,
Dr. Ranken,	Dr. Goodeve,
Mr. Dove,	Dr. O'Shaughnessy,
Mr. W. A. Shaw,	Capt. D. L. Richardson,
Mr. M. Johnston,	Mr. H. M. Parker,
Mr. Wale Byrn,	Mr. Patrick.

Mr. T. Holroyd moved that the Bishop of Calcutta, and the committee be requested to form a deputation, to wait on Sir Charles and to ascertain his wishes as to the time. The chairman intimated that the Bishop acquiesced in the proposal.

The proceedings were about to terminate when Mr. L. Clarke requested the attention of the meeting. He perfectly agreed with what had been proposed, but he thought, this was not sufficient. Something more was due in honor of the man whom they all prized as a private individual, as an officer of Government, and as the friend of every class. He proposed, therefore, that a subscription be opened for a piece of plate, that Sir Charles may carry from India as a token of our reverence, respect, and esteem. Mr. R. S. Thomson seconded the resolution, and it was put and carried by acclamation.

The following subscriptions were immediately put down by way of a beginning.

The Chief Justice.....	Rs. 300
Hon. Henry Shakespear....	100
R. D. Mangles.....	100
Dyce Sombre.....	1,009
Longueville Clarke .....	100
P. O'Hanlon.. ..	100
R. S. Thomson.....	32
P. A. Cavorke .....	50
Thomas Holroyd.....	100
William Patric .....	100
Captain Birch .....	100

2,062

*Englishman, Jan. 31.*

## MILITARY ORPHAN SOCIETY.

Pursuant to advertisement, a meeting of the subscribers to the Military Orphan Society took place, this morning, at the Town-hall. After same discussion the meeting elected Major Colnet to the Chair.

It was then proposed by the Captain Fitzgerald, and seconded by Captain Thomson, that the "report be read." This proposition having been put to the vote was negatived.

Captain Thomson then proposed that the meeting adjourn until Tuesday next at 11 o'clock, which being seconded by the Revd. Mr. Ruspini, was put to the vote and negatived also.

A vote of thanks was then proposed to the chairman for his able conduct in the chair, which was carried unanimously.

In the course of the meeting a proposition of some

#### ERRATUM.

After the concluding paragraph of the report of the Metcalfe Dinner, in page 94 of the Journal, read the following :

Sir Edward Ryan was sorry that the President had placed him in a doubtful position, for he was not sure whether his learned friend had returned thanks or left him and the other stewards that duty to perform. He would, however, choose the alternative of performing the duty. He then returned thanks to Sir Charles and those who had joined in the toast, and expressed his regret that it was the last time on which he would meet the worthy guest on such an occasion in this country.

Sir W. Cotton also returned thanks from the further end of the table.

Mr. Shakespeare proposed the health of Sir J. P. Grant, and complimented him on the able and eloquent manner in which he had conducted the business of the evening.

Sir J. P. Grant returned thanks, and, adverting to the great pleasure he had derived that evening, proposed—according to the old custom—a good night.

Sir Charles was attended to the door by the stewards and the remainder of the company, where he took leave, and was followed to his conveyance with loud cheers and waving of hats and handkerchiefs from the company, every one striving to shew his regard for their distinguished and popular guest.



kind or other was made by Dr. Corbyn, which the chairman declined to put, as it was not consonant to the tenour of the advertisement calling the meeting.

The meeting then separated; but it may be as well to explain that the negating of the proposition that the report be read, was owing to the majority of the meeting being of opinion that they could not proceed to any business, in consequence of the Maddock propositions requiring a quorum of twelve voters, whereas there were only twelve subscribers present altogether, of whom seven or eight had been or were still connected with the management of the institution, and consequently were not entitled to vote.

This is a sorry specimen of the working of the Maddock rules. Ere long we may become converts to the Duke of Wellington's opinion, that public meetings are "all a farce."

As the matter now stands the accounts have not been passed, and moreover they *cannot* now be passed as the period fixed by the Maddock rules has gone by; the last Wednesday in January is the day fixed upon by the rules; and consequently we presume that the meeting must adjourn to the last Wednesday of January 1839.—*Cal Courier, Jan. 31.*

## ANNUAL MEETING OF THE BENGAL CLUB.

At the Annual Meeting of the Members of the Bengal Club, held on Saturday last, the following gentlemen were present:

Lieut. Abercrombie.  
Capt. F. W. Birch.  
A. Cumming, Esq. C.S.  
Jas. Colquhoun, Esq.  
Wm. Cracroft, Esq. C.S.  
Dr. Geo. Craigie.  
Sir W. Cotton, K.C.H.  
Capt W. Cotton, A.D.C.  
J. A. Dorin, Esq. C.S.  
Jas. Dewar, Esq.  
Saml. Garling, Esq. P.C.S.  
Chas. Grant, Esq. C.S.  
Col. J. Harrie.  
Capt. Alfred Jackson.  
T.H. Maddock, Esq. C.S.  
Robt. Molloy, Esq.

Capt. J. W. Ouseley.  
F. Osborne, Esq.  
Jas. Pattle, Esq. C.S.  
Wm. Patrick, Esq.  
Lieut. R. Pigou.  
Lieut. R. Robertson.  
Dr. Jas. Ranken.  
Dr. T. Smith.  
J. W. Salmond, Esq. P.C.S.  
Chas. Trower, Esq. C.S.  
Dr. J. Turner.  
Robt. Torrens, Esq. C.S.  
Capt. R. Thornhill.  
Col. F. Walker.  
Col. A. Watson.

Major-General Sir Willoughby Cotton, K.C.H. was requested to take the chair.

The following Resolutions were proposed and carried:

1st.—Proposed by James Pattle, Esq. C.S. seconded by J.A. Dorin, Esq. C.S. and resolved unanimously;

That the Committee's Report be now read by the Secretary.

2d.—Proposed by Wm. Cracroft, Esq. C.S., seconded by Col. F. Walker, and resolved unanimously.

That the report which has been read be adopted by the Meeting, and that it be printed, together with the Abstracts of Accounts, which are highly satisfactory, and circulated to the Members of the Club.

3d.—Proposed by Jas. Pattle, Esq. C.S., seconded by Chas. Trower, Esq. C.S., and resolved unanimously.

That a special committee to consist of seven members of the club, be nominated to take into consideration and report on the proposition of Mr. Dickens, or any other party, to provide a suitable club house on the terms he proposes, and that the following gentlemen be requested to form the above Committee; viz.

Jas. Pattle, Esq.	Captain Ouseley.
Col. McLeod.	Lieut. Abercrombie,
J. A. Dorin, Esq.	and
R. Molloy, Esq.	Dr. Geo. Craigie.

4th.—Proposed by Wm. Cracroft, Esq., seconded by Dr Geo. Craigie, and resolved unanimously.

That in order to prevent any sort of altercation or interference with the servants of the club, all expression of dissatisfaction or any communication that members may require to make to the cook or any other servants must be through the Secretary.

5th.—Proposed by Chas. Trower, Esq. C.S., seconded by Robt. Torrens, C.S., and resolved unanimously.

That owing to the insufficient number of sleeping apartments in the present club house, additional and sufficient accommodation be hired for that purpose when required.

6th.—Proposed by Dr. Craigie, and seconded by J.W. Salmond, Esq.

That with reference to the requisition alluded to in the report of the committee, para. 6, and in confirmation of the Resolution of the committee on the subject which followed, the Committee of Management be authorized to expend a limited sum monthly for the purchase of standard works, and more particularly of books of reference maps, &c. with the view of forming the nucleus of a small library for the Club.

This proposition at the suggestion of the chairman, was withdrawn for the present, on the understanding that it was to be considered in Committee, with reference to the state of the club funds.

7th.—Proposed by Wm. Cracroft, Esq., seconded by Jas. Pattle, Esq., and resolved unanimously.

That the thanks of this meeting be given to Mr. Dorin, and the gentlemen of the committee for their services during the past year.

8th.—Resolved unanimously. That the thanks of this meeting be given to the chairman.

The following gentlemen were elected by ballot members of the Committee Management, for the year 1838.

*President.*

Charles Metcalfe, Bart. G.C.B.

*Vice Presidents.*

Sir W. Cotton, K.C.H. | Chas. Trower, Esq. C.S.

*Members.*

J.A. Dorin, Esq. C.S.	Dr. Ranken.
Capt. Alfred Jackson.	T. H. Maddock, Esq. C.S.
Wm. Cracroft, Esq. C.S.	Thos Braken, Esq.
Dr. Geo. Craigie.	

WILLOUGHBY COTTON,

*Major-Genl., Chairman.*

*Hurkaru, Feb. 1.]*

## EXAMINATION OF THE NATIVE MORNING FREE SCHOOL.

(From a Correspondent.)

The examination of the above school took place at the Benevolent Institution, Bow Bazar, last Saturday, the 27th instant. There were five or six Europeans present and a large number of native youth and gentlemen.

The boys were examined by Messrs. Delanougere and Mackenzie in spelling, reading, explanation, grammar, and geography, and acquitted themselves to satisfaction, considering the short period they have been under scholastic exercises. Two of the best students recited Cato's soliloquy and Norval's address to Lord Randolph. Their names are Pronkisto Chuckerbutty and Rowsobuck Boraul.

As the public are not aware of any circumstances regarding this school, it may be interesting to state that it was established in August 1836, by the young men from the Oriental Seminary, Baboo Madhub Chunder Bysack and Seeb Chunder Dutt, and has been conducted, with the exception of one teacher from the General Assembly's School, entirely by the pupils of the first named seminary.

A small subscription is monthly raised for the expenses in books, charts, tables, &c. &c.

The school is held in the outer rooms of Baboo Hurry Mohun De's premises in Jorshanko, Rattun Sircar's, Garden street, who has given the use thereof for the purpose free of charge.—*Ibid.*

## BANK OF BENGAL.

There was a special general meeting of the proprietors of the Bank of Bengal, on Saturday, convened in compliance with a requisition to take into consideration 'the severe losses and peculiarly hard case' of Ruggoo Ram Gosain.

On the failure of Palmer & Co. the bank held certain of their notes which the bank had discounted. On four of these notes, principal amount Sa. Rs. 50,000, 40,000, 60,000, and 15,000, Ruggoo Ram's name appeared, and he became bound for his name. Palmer & Co. were, on their failure, also liable to the bank for certain sums of money advanced on, and secured by, deposits of Company's paper. These advances, with interest, the bank paid itself from the proceeds of the Company's paper, which, conformably to one of the conditions of deposit, the bank sold to satisfy itself. But, after satisfaction of the bank's claim for principal and interest on account of the advance secured by Company's paper, there remained a considerable surplus from the proceeds; between two and three lacs, the Bank claimed to hold, and did hold, by way of set-off, against the discounted promissory notes of Palmer, & Co. in the bank's hands. And the bank proposed to apply the said surplus to, in the first instance, the liquidation of such of Palmer, & Co.'s promissory notes as it (the bank) thought the least secured. As this time Ruggoo Ram Gosain came forward to the directors with a representation of his heavy losses by the failure of Palmer & Co. and with a proposition that the directors should, in consideration of those losses, apply, under his guarantee to hold the bank harmless for applying, the surplus proceeds of the Company's paper, to the liquidation in the first instance of three of the four promissory notes bearing his endorsement of Seebchunder Doss, a man of large property. To this proposition of Ruggoo Ram Gosain the bank agreed, and under his sureties (guaranteed to indemnify the bank for the act, and to pay the fourth note in three years, should Seebchunder Doss not have done so before) applied the surplus proceeds to the payment of the other notes bearing Ruggoo Ram's name. The remainder of the surplus was held against the remaining notes of Palmer and Co. but there still was left a balance due on the aggregate amount of those notes. Meanwhile the assignees of Palmer and Co. had demanded from the bank for the general creditors of the estate, whole of the surplus proceeds of the Company's paper, and the bank resisting the demand of the assignees, proceeded to an action at law in the Supreme Court, and a verdict was given in favour of the bank. Against this decision the assignees appealed to the Privy Council, by whom the judgment of the Supreme Court was reversed, and the

surplus proceeds decreed to the estate of Palmer and Co. Consequent on this decision of the Privy Council, the bank made its claim of Ruggoo Ram and his sureties on undertaking to indemnify the bank for the appropriation of the surplus to the notes of Palmer and Co. bearing endorsement as already mentioned. Ruggoo Ram, having already settled for the amount of the fourth note (that one bearing Seebchunder Doss' endorsement and on which note the bank relinquished its claim for interest) the bank's demand against him was now but for the balance of principal and interest on the three remaining notes, and for law costs on the appeal, Ruggoo Ram having previously defrayed the costs of the action in the Supreme Court. The bank's claim on account of the appeal costs was afterwards on a representation from Ruggoo Ram given up, and the bank's demand against him remained:

On account of principal.....	Rs. 86,980
Ditto interest.....	34,112

(Add fractions) total.....	121,093
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Ruggoo Ram has paid the amount of principal, and the interest, as above, Rs. 34,112, he now appealed to the proprietors.

The following extract from the directors' proceedings of the 10th of August last, will give the directors' opinion of their claim against Ruggoo Ram, less their demand for law costs, any claim for which the directors, as already stated, have abandoned.

'Agreed, that the bank's demand is legal, just, and equitable; and that the parties from whom the bank claims that demand are equal to pay it in full.

Agreed, therefore, that the directors, as for the bank, that is, the proprietors, cannot abate aught from that demand, and that the proprietors alone are competent to make any abatement.

'But agreed, to allow indulgence in taking payment of the bank's claim, viz. receiving half of the principal in cost, the remaining half at six months bearing five per cent. per annum interest, and the amount due on account of interest on the whole at twelve months, bearing the same rate of interest:—Ruggoo Ram and his sureties executing and being at the cost of such legal undertaking to the foregoing effect, as the bank's law officers may draw.

Further, the directors expressed themselves favourably disposed to make the concession, and Ruggoo Ram was at liberty to appeal to the meeting now convened.

The chairman, Mr. Pattie, addressed the meeting. As we understood, he was inclined to concede the interest mainly on the ground that the individual most interested is a native, and, therefore, his severe losses are entitled to particular consideration. But Mr. H. T. Prinsep took the ques-

tion on its merits, and proposed a resolution, in substance, that the interest be remitted. This was seconded by Mr. Cullen and carried, no one opposing or disagreeing. There were about fifty proprietors present. This is the first remission of the kind made by the bank.—*Englishman*, February 5.

## SUN INSURANCE OFFICE.

We attended the annual meeting of the proprietors of the Sun Insurance Office yesterday. Mr. W. Bruce was in the chair. Mr. Rustomjee Cowasjee, Mr. Ezekiel Mushles, and several foreign gentlemen composed the meeting, which was conducted in a very brief, business-like manner. The balance sheet of the eighth half year exhibits.

At credit of the society .....	Ra. 3,31,970	
Debit amount of premium on risks (amounting to Company's Ra. 24,16,466) supposed to be outstanding at above date....	58,406	
Amount reserved to meet contingencies.....	50,128	1,08,324
		<hr/>
Above par..... Co's Ra.		2,23,345
Equal to Ra. 2,233 per share.		<hr/>

This office was established 1st January 1834 No deposit made. On the 22d January 1835, a dividend was declared of Sa. Ra- 500 per share. Another on the 1st August 1836 of Sa. Ra- 500 per share. Again on the 21st February 1837, for Co.'s Ra- 500: And at the meeting above noted, it was resolved that a dividend be made of £50 per share, in bills on the London agents and Ra- 500 in cash. This is very satisfactory.

Messrs. W. Bruce, G. Apar, J.D. Dow, K.R: Mackenzie, and Rustomjee Cowasjee were requested to continue their services for the ensuing six months. The meeting separated after deliberating about thirty minutes.—*Ibid*.

## SAILORS' HOME SOCIETY.

Last Tuesday evening the half-yearly general meeting of the Sailors' Home Society was held at the Town-hall, Sir J. P. Grant in the chair.

The report, which was a very interesting statement of details, dressed in plain language and somewhat in the phraseology of sailors, having been read,

The Rev. J. Charles rose to move the first resolution, That the report be printed and circulated.

The learned Divine stated, that when it was announced to the public that it was in contemplation to establish such an institution, every person of right feelings and correct judgment whom he knew, at once concurred in the desirableness of the project. It appeared to him to be a happy conception, a most felicitous idea. He believed the meeting was already aware that the institution owed its origin, and, in a great measure, its successful operation, to the worthy secretary (Rev. T. Beaz). For his own part, he regarded the institution as now fully established; and it was matter of congratulation that so much could be said of it within or short a period of its existence. It was matter of surprise with him that the interests of sailors had so long been neglected or so little cared for, both in England and in this country. They are an interesting people, comprising, as he had somewhere read, one-twentieth of the population of the mother country. This simple fact, the reverend gentleman considered, ought to have awakened on their behalf a deeper and more general spirit of philanthropy. But they are not less an important than an interesting class; to them Britain owes her naval glory; through them, the fame of her arms, of her science, of her literature, and of her politics has reached the utmost bounds of the earth. They are the instruments of her commerce. By their means she lays the whole world under contribution to her wants and wishes; they minister to her luxury and to her wealth. They are not, however, generally, what they should be, and what, as a matter of highest duty, we should endeavour to make them,—a fair specimen

of Britain's virtues,—living epistles of her morals and of her glorious faith. Landmen can exercise their influence, at best but over a limited surface,—within a defined circle. The conduct of sailors exerts an influence for good or for evil on large classes of men,—men of various nations, kindreds and tribes. This influence partakes at present more of the nature of vice: it should be made to bear with the force of moral and religious habits. The reverend gentleman after adverting to some particulars stated in the report, and having repeated his remark that the institution could no longer be considered in the light of an experiment, but as deserving to be ranked among the established Benevolent Institutions of the country, sat down amidst suppressed cheers.

The resolution seconded by H. Walters, Esq. C. S. was carried unanimously.

Rev. Mr. Morton proposed the second resolution, appointing a new committee, and returning thanks to God for his blessing, and to the last committee for their services.

He considered that there was no question but that the meeting would adopt the sentiments contained in the resolution he had the honour to propose. If the institution has done good—and the report states that it has done much good,—if it is a desirable institution,—and the reverend gentleman who preceded him had shewn that it was a desirable institution, and moreover that it was an institution now fully established,—he was of opinion that all the good that has been effected, and all the good that the institution promised to effect, was owing to the exertions of the last committee. But the resolution in his hands contained more—viz. an expression of thanks to God for what has been done. He believed that all present would agree in the sentiment with the Church of England, that, "all that is wise, and good, and true, comes from God." A higher authority than the national church has also said, "every good and every perfect gift proceedeth from the father

of light." The reverend gentleman felt assured that none would dissent from these sentiments, and therefore that the meeting would not only unhesitatingly, but cheerfully and warmly adopt his resolution.

Mr. Morton stated, that he was unexpectedly called upon to take a part in the business of the evening, and that he was not intimately acquainted with the details of the Home. He was not at Calcutta at the time of its formation: he had, however, learned a great deal from the report which had just then been read. He considered the existence of such an institution in this country to be a blessing. The reverend gentleman here adverted to the mischief and ailments to which sailors are exposed in this port, and to the unfavourable impression which their conduct has produced, and is calculated to produce, on the native mind. If, said he, we desire to see the native population converted from their debasing superstitions and practices, we should seek to elevate the character of our own countrymen; and if we are at all concerned for the spiritual welfare of our brethren, consistency requires of us not to neglect their temporal comforts. The reverend gentleman stated that, according to the view he took of the subject, he considered that chaplains and missionaries had as great an interest in the welfare of sailors as merchants and ship-captains.

This resolution was seconded by Captain Martin of the *Duke of Buccleugh*, and carried unanimously.

The thanks of the meeting were proposed and accorded to the chairman.

Sir J. P. Grant rose to say, that he took a very deep interest in the objects of the institution. That institution was yet in its infancy, and he believed the Rev. Mr. Charles would agree with him in this view, although he was of opinion that the success of the institution was no longer problematical, and that as such, it required to be nourished and tended and brought into vigorous and healthful exercise. His Lordship fully concurred in the views expressed by Mr. Morton. He considered that exertions should

be made to raise the moral and religious character of the seamen who come to this port. Sailors, said his lordship, are exposed to numerous temptations in this country; and not the least of their dangers, is, that they regard the class of the native inhabitants into whose hands they fall to be a simple and ignorant people. We know, his lordship observed, that this is not the case. Cunning and villainy soon rob them of their money and their health. The crimping system too was till lately in active operation to complete their wretchedness. His lordship regarded with cordial pleasure the extent and salutary nature of that influence, which the Home had exerted, in rescuing sailors from the cunning and power of these landsharks. His lordship congratulated the meeting on what they had heard, and concluded with stating, that though he could not take any very active part in the management of the institution, of which he had been constituted the president, his best wishes attended all its operations. His lordship then proposed thanks to the secretary, Rev. T. Boaz and J. W. Alexander, Esq. and to Dr. Maxton for his gratuitous medical advice to the inmates of the Home.

Mr. Boaz rose and expressed his very grateful sense of the vote of thanks accorded to him. It was his heart's desire to see the institution prosper. He considered its prosperity very much depended on the share the community of merchants and ship-captains took in it; with out their hearty aid, he was not very sanguine of success. He begged them to come forward to the help of the committee, both from a consideration of their own interests, and of the benevolent objects of the institution.

The meeting was very thinly attended, but a spirit of cheerfulness and deep interest appeared to pervade it.

P. S.—We have the pleasure to state that the number admitted in the Home during the last half year was 303, out of which 296 have been provided with births. All the departments have prospered as far as they have been tried.—*Englishman*, Feb. 8.

## AGRICULTURAL AND HORTICULTURAL SOCIETY OF INDIA.

A general meeting of this Society was held at the Town-hall, on Wednesday morning, the 14th February, 1838, at half-past 9 o'clock.

The Hon'ble Sir E. Ryan, President, in the chair.

PRESENT :—The Hon'ble Colonel Rebling, Dr. Wallich, Dr. Hufnagle, W. F. Gibbon, Esq.; Dr. A. R. Jackson, F. T. Fergusson, Wm. Storm, R. Smith, A. Dobbs, M. Staunton, A. Harris, and G. F. McBlinotock, Esqrs; Dr. D. Stewart, R. Watson, M. A. Bignell, and John Bell, Esqrs.

The proceedings of last meeting were read and confirmed.

The following gentlemen, proposed at the last meeting, were duly elected members of the society, viz.

L. Saget, W. Vansittart, Thomas Gibbon, James Cosserat, J. H. Bridgman, G. A. Gregg, P. Sutherland, and R. S. Strickland, Esqrs; H. H. Spry, Esq., M. D. Captain W. N. Forbes, William Mackenzie, Esq; Captain F. W. Birch.

The following gentlemen were proposed as members :

W. Moran, Esq., of Tirhoot, Thomas Parkerly, of Kishnagur, and J. H. Savi, Esq. of ditto, proposed by C. Deveriane, Esq., and seconded by the secretary.

The Rev. C. E. Driberg, proposed by Dr. Wallich., and seconded by the secretary.

Thomas Bracken, Esq., and Charles Oman, Esq. of Jessore, proposed by Samuel Smith, Esq., and seconded by the secretary.

J. Louis, Esq., C.S., proposed by Sir E. Ryan, and seconded by the secretary.

J. B. Elliott, Esq., C. S. proposed by W. Crocroft, Esq., and seconded by Dr. Wallich.

R. Scott Thompson, Esq., and Captain H. J. Wood, proposed by the secretary and seconded by Dr. Wallich.

William Rushton, Esq., proposed by Dr. Hufnagle and seconded by W. Storm, Esq.

T. B. Morrell, Esq., proposed by William Storm, Esq., and seconded by W. G. Rose, Esq.

### Motions disposed of.

The notice of motion submitted at the last general meeting, proposing to solicit Government to send one of their own vessels to Orabetta for the purpose of bringing a supply of sugar cane, was brought forward and discussed.

Moved by Dr. Wallich, seconded by Mr. Storm, and resolved—That it is not desirable to adopt the

measure proposed by Mr. Beattie, sufficient means having been already adopted to obtain supplies of sugar cane.

*Notices of Motion.*

1st.—Proposed by the Agricultural Committee, (on their report of the 8th February 1838.) That with reference to the particular interest which Dr. Montgomerie of Singapore has taken in the proceedings of this society, by sending from time to time supplies of sugar cane from that island, the society's gold medal be awarded to Dr. Montgomerie.

2d.—Moved by Sir Edward Ryan, That the expense of publishing a pamphlet on the subject of Cochineal, prepared by Mr. Bell, be defrayed by the society.

3d.—Moved by Dr. Wallich. That with reference to a letter from Lieut. Kirke, of Deyrah, a small sum be allowed for the purpose of enabling Lieutenant Kirke, to supply the society with seeds raised in that neighbourhood which are said to be equal to English seed.

Read the following communications :

From Mons. Richard, Superintendent of the Botanical Garden at Bourbon to Dr. Wallich, dated Nov. 9th 1837, intimating that under directions from the Bourbon Government, he had despatched by the *Alcide*, two cases of cactus covered with the cochineal insects.

From Captain Charlton to Dr. Wallich, dated 23d January 1838, stating his intention of forwarding a quantity of cochineal insect, in living state brought by him from the Cape of Good Hope, on the ship *Sesostris*.

The President drew the particular attention of the meeting to these communications, which had given rise to a difference of opinion as to any of the insects, being the true Mexican cochineal or "*grana fina*."

The insects from Bourbon and the Cape, had arrived in a very satisfactory and healthy state, and had been seen by Mr. G. A. Prinsep, at the Botanic garden, on their arrival, who pronounced them to be all the wild variety, called in Commerce "*grana sylvestra*."

Mr. Bell had subsequently inspected the insects, and pronounced those from Bourbon to be the true "*grana fina*," and those from the Cape to be the "*grana sylvestra*," and as it was considered advisable to have the insects examined by a committee before this time, he (the President) would read a report drawn up, and unanimously adopted by that committee, which, however, did not decide the question at issue, as none of the members had seen the living insect before, and their deductions were drawn only from the remarkable features which characterize the two varieties.

The insects were exhibited at the meeting.

On the report being read, Dr. Duncan Stewart proposed, seconded by A. Dobbs, Esq., and resolved, that it be confirmed as the report of the society.

Moved by the president, and resolved, that the committee's report be published, for general information.

Read a letter from John Guilding, Esq., dated Baranagore, January 12th, giving it as his opinion, that the Bourbon insect is the true *grana fina* of Mexico.

Read a letter from Charles Deverine, Esq., dated the 12th January, stating that the Bourbon insect is different from any living cochineal he has seen in India.

The president mentioned that Mr. Bell had collected some information in elucidation of the question at issue, which he had thrown into a pamphlet, and suggested that its issue should be kept back, until the committee's report could be added thereto, when it would be at the service of the committee, and members who might feel interested in prosecuting enquiry.

Resolved, that the present committee be requested to continue their labours, and that all questions and

communications addressed to the secretaries be referred to them, and hereafter embodied in a separate pamphlet.

Resolved, that any incidental charges incurred by the secretary, in forming a small experimental Nopalarie, be defrayed by the society.

Resolved, that Monsr. Richard be solicited to send the society a supply of the description of cactus, in which the insect has been imported.

Moved by Dr. Wallich, seconded by Dr. Jackson, that especial thanks be returned to the Bourbon Government and to Monsr. Richard, for the courteous and prompt manner in which they have carried into effect the society's wishes in regard to a supply of the cochineal insect, and that their further co-operation in this important matter be solicited.

Moved by Mr. Bell, seconded by Mr. Storm, that the special thanks of the society be returned to Captain Charlton, for having imported from the Cape the cochineal insect which, although of the wild variety had been presented at a moment that renders it an object of valuable and interesting comparison.

Read a note from Mr. Marchman of this date, for warding one copy of vol. 5, Society's Transactions, and promising to send more in the course of the day.

The secretary wished to have the society's sanction to pay the charges of publication.

Moved by Dr. Jackson, seconded by Dr. Wallich, that as Mr. Marchman executes our printing on the most economical scale, the secretary be authorized to pay his bills on presentation, and the receipt of the works for which each bill is made out. Resolved accordingly.

Read a letter from Monsieur Richard of Bourbon to Dr. Wallich, dated 29th November, advising despatch by the "*Robert le Diable*" of 18 cases of Batavia sugar cane, intended for the society's nursery.

From Dr. Montgomerie, of Singapore, to the secretary, dated 23d December, enclosing a receipt for seven bundles of sugar cane, part of which he presents to the society.

From Dr. Wallich, dated 25th Jan. and 2d Feb., enclosing separate reports from Mr. Masters on the sugar canes received from Bourbon and Singapore, which are in good condition.

From His Excellency Sir B. Cople, Naval Commander-in-Chief, dated Trincomalee, 14th January, acknowledging receipt of secretary's letter of the 23d December last, requesting his aid in procuring supplies of sugar-cane from the island of Otaheite.

States in reply, that he would be most happy to meet the society's wishes, but that the period of his command is so near a close, he can do no more than recommend the measure to his successor Sir E. Maitland.

Read reports of the Agricultural Committee, dated 17th January and 8th February, 1838.

Resolved that these reports be confirmed.

A letter from Major Sleeman, dated 18th January, acknowledging receipt of secretary's letter of 15th idem, intimating the result of a resolution of the society, at a general meeting on the 8d Oct. last, having for its object the presentation of the society's gold medal, for the introduction by Major Sleeman of the Otaheite sugar cane. Returns thanks for the same.

From Lieutenant H. Vetch, dated 12th January. Fezpoore. Acknowledging receipt of secretary's letter of the 22d December, and in reply to it, expresses his gratification at the flattering mark of the society's approbation in the offer of a gold medal for a mound of caoutchouc of the same description and quality as that recently approved of by the committee. Promises to send a mound superior to that before forwarded.



From Dr. A. Campbell, to the secretary, dated Nepal, 28th January, advising despatch of a box containing specimens of the agricultural productions of the Valley of Nepal, each specimen sufficient to sow four or five cottahs of land, and enclosing a list of the same.

From the same, dated 26th January, advising despatch of a parcel containing "Oash" or the beardless barley of Thibet, and promising to send down, if required, a larger quantity, by next cold season.

From W. R. Cane, Esq., dated Calcutta, 25th Jan., forwarding for presentation to the society a bag of Bourbon cotton seed, considered to be of good quality.

From T. O. Crane, Esq., secretary to the society at Singapore, dated 4th January, intimating the partial failure this season of a large plantation of Bourbon cotton plants, owing, it is supposed, to a blight, occasioned by the excessive dampness of the soil; mentioning that he has drained the ground and sown in ridges, which may tend to remedy the evil.

From Dr. Wallich, secretary to the Tea Committee, dated 13th February, forwarding by direction of that committee a pamphlet by Mr. Bruce, entitled "Account of the manufacture of black tea, as now practised at Suddya," and stating that a number of Copies will shortly be placed at the disposal of the society.

From the same, dated 13th February, forwarding for presentation to the Society on the part of Mr. Mosely, supercargo of the American ship *Norfolk*, a copy of No. 9 of vol 3 of the Horticultural Register and Gardiner's Magazine, and 9 copies of "New England Farmer and Gardener's Journal," for July, August and September published at Boston.

From the same, dated 15th January, giving some information on the subject of a specimen of tea, presented to the December meeting, by Mr. H. Walters on the part of Mr. Wise.

From the same, dated 15th January, enclosing a note to his address from Captain Jenkins, under date the 30th ultimo, forwarding a sample of Moongah silk of a superior description, on which he is anxious to have the opinion of the Silk committee.

From Mr. Veterinary Surgeon H. C. Hulce, dated 12th November, Muttra, transmitting plan of a horse breeding establishment, and conveying much information on the subject of the same.

From Captain Corbett, dated Almorah, 2d January, from W. Limord, Esq., secretary to the Chamber of Commerce, dated 15th January, conveying, in reply to the secretary's letter of the 4th instant the best thanks of the Association to Dr. Campbell, Offg. Resident at Nepal, for specimens of Nepalese Paper, forwarded by that gentleman through this society.

From J. F. Sandys, Esq., dated 12th January, enclosing copies of two papers lately received from F. Sandys, Esq., of Arrah, the first containing observations on queries regarding the two models of machines for raising water, the second conveying a few practical hints on the erection of No. 2 model.

From Dr. A. R. Jackson, dated 27th January, acknowledging receipt of the several packages of books, &c. intended for societies in England and Scotland, alluded to in the secretary's letter, and promising to forward them to their respective addresses on his arrival in England.

From Messrs. Lyall, Matheson and Co., advising receipt of a bag of seeds for the Assam Agricultural society, which they promise to despatch immediately.

From J. Vaughan, Esq., librarian American Philosophical Society of Philadelphia, dated 5th August, returning thanks on the part of that society for the 2d volume of our transactions.

From Lieut. G. Poolay, R. N., secretary to the Royal Hon'ble Society of Cornwall, dated 3d July 1837, acknowledging receipt of the 2d volume of our transactions, and forwarding in return, a volume containing the first five reports of their institution. Desiring to maintain a mutual correspondence in matters of interest.

From Mr. E. Norris, Assistant Secretary to the Royal Asiatic Society, dated 1st September 1837, annexing an extract of a minute of the committee of correspondence of the Royal Asiatic Society, relative to the different breeds of cattle known in India, and requesting the assistance of this society in obtaining information on the subject.—(*Referred to the cattle committee.*)

From Dr. C. Huffnagle, dated 2d September, enclosing a paper drawn up by Mr. J. H. Haines, relative to the cultivation and manufacture of sugar in the districts of Benares, Mirzapore Western Ghazepore and Jaunpore.—(*Referred to the Committee of Papers.*)

From Lieut C. Barnett, Adjutant Mhairwarrah local battalion, dated Beaur, 1st November 1827, forwarding by the hand of Dr. Maclean, the several packages of cotton, alluded to in his letter of 27th November last, and requesting an opinion as to their quality.

From D F. McLeod, Esq., dated Bancoorah 3d Feb., advising despatch by dak banghy of the following obtained at that station; viz. three skeins of tusseo silk, two cocoons containing the living chrysalis, a small quantity of eggs and a piece of cloth made of the silk, stating that the texture of the cloth is superior to any he has met within the parts of India.—(*Referred to the silk committee.*)

From James Prinsep, Esq., dated 27th Jan., forwarding a gold medal, and requesting to be informed if any more be required.

From Mr. J. W. Masters dated 9th Feb., enclosing a paper containing a few remarks on the "food of plants."

From G. A. Prinsep, Esq., dated 9th Feb., offering a few hints for the better preservation and propagation of the cochineal insect.

From Dr. Wallich, dated 12th Feb., 1838, enclosing a note to his address from Mr. Masters containing some observations on certain specimens of soils received from Mr. C. Manly, of Keerpooy, forwarded for presentation to the society, the specimen alluded to, as also some articles of pottery-ware made from them.

From Samuel Smith, Esq., dated 13th Feb., 1838, presenting to the society 400 copies of a report of the anniversary dinner of this society, which he was prevented from inserting in his daily paper, owing to indisposition until it was too late.

From Capt. H. Kirke of Deyrah, to Dr. Wallich, dated 23d Jan., on the subject of the growth of sugar cane, &c.

Dr. Jackson presented a supply of seed barley for the use of the Agricultural Society.

JOHN BELL, Secretary.

Agric. Society's office Town Hall, }  
Calcutta, 14th Feby. 1838. }

Report of a committee, convened at the requisition of the president, Sir Edward Ryan, to examine certain samples of living cochineal, brought from the Island of Bourbon, and the Cape of Good Hope.

PRESENT.—Dr. Strong in the chair.

Dr. Evans,	Dr. Goodeve,
Dr. A. R. Jackson,	Mr. W. Storm,
Dr. Huffnagle,	Mr. D. W. A. Speed.

Inspected two samples of living insects, the one brought from Bourbon, sent (under directions from the

Island Government) by Monsr. Richard, Superintendent of the Botanical Garden, on *Robert le Diable*, the other brought from the Cape of Good Hope, by Capt. Charlton of the Bengal Service, on the *Sasotris*.

The committee are of opinion, that a most decided difference exists between the samples before them.

The Bourbon insect is clothed with a coat of powdery substance, is perfect in form, and large, having only a slight appearance of filament about the tail, which rubs to powder between the fingers.

The Cape insect is completely enveloped in down, and has none of the mealy deposit about it, which so strongly marks the character of the other.

As far as your Committee can decide, the insects before them are as distinct as the *grana fini* of commerce is described to be different from the *grana sylvestra*.

The Committee beg to annex an extract of a letter from Monsr. Richard to Dr. Wallich, dated St. Dennis, Isle of Bourbon, 29th November, 1837.

"Je suis bien impatient d'avoir des nouvelles de nos voyageuses cochenilles. S'il en arrive de vivantes à

Calcutta, comme je le pense, elles seront peut-être couvertes dedret, parcequ'elles auront été enfermées et pour ainsi dire, privées d'air; mais ceci ne doit pas vous faire préjuger de leur mauvaise qualité car quand elles sont sur des Nopals, au grandair, elles deviennent presque nues lorsqu'elles sont à leur grouseur."

This extract, your Committee consider fully borne out by the present appearance of the insect, and, although they do not feel competent to say with certainty, that the larger insect is the *grana fina*, (none of your committee having seen the insect alive) they have observed enough to convince them that it appears *far superior* to what is described, by the best authors, as the *grana sylvestra*.

The Committee request that the cochineal be left in the hands of Mr. Bell, for further experiment.

Signed F. P. Strong,

" W. Storm,

" H. H. Goodeve,

" A. R. Jackson,

Agric. Society's Office, Town Hall, }  
Calcutta, February 8, 1838. }

Signed George Evans,

" D. W. H. Speed,

" Chas. Huffleagle,

[ Hurk., Feb. 16.

## AGRICULTURAL AND HORTICULTURAL DINNER.

About sixty gentlemen attended the Dinner at the Town Hall on Monday evening, Sir Edward Ryan in the chair. The chairman immediately after the cloth had been removed proposed (the first public opportunity he had had of doing so) the national toast. He did so with the greatest delight—"The Queen, and God bless her!" The party responded to the chairman's enthusiasm, and the cheers were loud and long continued.

The toasts followed in quick succession. The chairman again rose, and in proposing the health of the Governor General congratulated the society that in the successor of Lord William Bentinck, of whose services it was not necessary to remind them, they had found another great patron of the institution. Sir Edward prefaced the next toast with what he pleasantly termed "a little parish business." He noticed the state of the society's finances, and the successes which have attended their efforts to bring forth the resources of the country. As to the finances, he had good grounds for saying they were in a flourishing condition, exhibiting a large increase on the current year, arising from the rapid augmentation of the number of members. But if their receipts had increased, so also had their disbursements, for the society did not hoard money. He noticed two large items in the latter, occasioned by the publication of the third and fourth volumes of the Transactions, and the reprint of the first volume, strongly recommending these to notice. As to the number of members, he remembered, he said, something on the last occasion with regard to the little encouragement the society had at that time received from the commercial community of Calcutta. On that occasion his friend opposite (Mr. A. Colvin) had taken to himself the observation, and glad he was to say, if they conveyed any reproach, his friend had since done his best, and the mercantile community had entirely freed themselves of censure. In 1836 there were two merchants only on the list; in 1838 there are thirty-two. The civilians had ever shown a warm interest in the society. He had thought it his duty to express this opinion on a former occasion; but if, up to that time, they had done well, they had since done better. In 1836 there were eleven members civilians; in 1837 the number increased to forty-seven. This was matter for congratulation; nevertheless there was another side of the picture, which gave occasion for much regret. He alluded to the

want of co-operation on the part of the Indigo planters, who, of all others, the natives excepted, were the most interested in the society's proceedings. He complained of the absence of these gentlemen, to whom he had not alluded on the last occasion, an omission on his part, to which cause alone he hoped he might justly attribute their indifference. However, he now entreated them to add to the number of the society, and expressed a lively hope that they would imitate the example of the merchants. It was a subject of much regret that so few natives had joined the society. They were the parties most interested in its success, and though their feelings would not permit them to attend the commemoration of the society's anniversary, it was expected they would join and aid the monthly meetings by their subscriptions and influence. He noticed the extension of Auxiliary Societies: last year there were six, at present there were twelve in various parts of India. He noticed the Society's Transactions, alluding particularly to the very valuable papers of Dr. McClelland and Dr. Griffiths. But he would not trouble the party longer with "parish affairs," which was indeed unnecessary, as the whole would be stated in detail by the excellent secretary. In conclusion, the chairman gave "*Prosperity to the Agricultural and Horticultural Societies of India*."

The next toast was proposed by Dr. Wallich, the vice president. He recurred to his early associates, and feelingly exclaimed "what would Dr. Carey have said had he seen our prosperity, and the improvements our influence has produced?" He entreated the meeting to join in drinking, in solemn silence, the memory of that great and good man.

Mr. Cracroft proposed the health of Sir Edward Ryan, to whose exertions the society are not a little indebted for their present flourishing condition. The toast was drank with much applause. Sir Edward returned thanks, and took that opportunity to inform the members present in what manner the medals had been distributed. We regret much we are not in possession of the correspondence between Major Sleeman, and the society on the subject of the Mauritius sugar cane, which, we understand, in consequence of the perseverance of that gallant officer, now shoots up luxuriant on the banks of the Nerbudda. Major Sleeman's opinions have been adopted by the society. His observations on the

flowering of the bamboo well merited consideration. His exertions in other matters are well known, but they were foreign to the objects of the society. To Major Sleeman is awarded the society's gold medal. To Mr. Bell, the silver medal for his cultivation of guinea grass, and to Lieutenant H. Vetch a gold medal for his preparation of caoutchouc.

In conclusion the chairman noticed the report of the Committee on Australian Cattle, and a communication from the Royal Asiatic Society requesting information (as we understood,) regarding the "white bullock of Assam."

There were numerous other speeches and toasts during

the evening, of which our reporter regrets he has no record. The "Agricultural Association of the United States" brought forward Dr. Huffsagle, who made some very pithy allusion to the entwining of the young hickory twig with the shamrock, the rose and the thistle; also to the friendly co-operation of the cultivators of New Hampshire and of those of the valleys of the Mississippi. Sir J. P. Grant repeatedly addressed the meeting, and Mr. S. Smith returned thanks for "*The Gentleman of the Press*." But the greatest interest was excited by Dr. Egerton's announcement of Lord Auckland's answer to the Steam Meeting memorial. It was afterwards read from the chair, and received the hearty cheers of every one present.—*Englishman*, Jan. 31.

## ASIATIC SOCIETY.

At the monthly meeting of this society, on Wednesday evening, there were present: D. Hare, Esq., in the chair; Colonel Caulfield, Captain Sanders, Dr. McClelland, Dr. Evans, Messrs. Jas. Prinsep, Cracroft, Dobbs, Stocqueler, G. A. Prinsep, Bignell and Kitoe.

Major Sleeman, Mr. J. W. Grant, Mr. G. A. Prinsep, Asst. Surgeon Arnott, and Dr. Bousol were severally ballotted for and elected members.

Mr. C. Fraser and Mr. M. Ommaney were proposed as members, and Monsieur Jaubert, the distinguished French *littérateur*, as an honorary member.

The proceedings of the previous meeting having been read, the secretary called the attention of the meeting to several new works that had been presented to the Society. Among others, were the *Sankya Karitta*—a translation from the Sanscrit, begun by Mr. Colebrooke and concluded by Professor Horace Wilson:—*Elemens de la Langue Georgienne*, (from the Asiatic Society of Paris,) Captain Buileau's Narrative, the Report of the Committee for investigating the Coal and Mineral resources of India, &c.

A letter was read from Professor Wilson, suggesting that Chantry's proposal to furnish a copy of the bust of

Mr. Colebrooke (now in the E. I. House) be accepted. It appears that the work will only cost £60. Mr. Jas. Prinsep suggested that a private subscription be raised for the purpose of engaging Chantry to perform the task. Capt. Sanders seconded the proposition, which was carried.

Among the numerous letters (of small importance) read to the meeting, was one from the Court of Directors, ordering forty copies of the *Journal of the Asiatic Society* from the commencement onwards. The secretary stated, that the early numbers were all out of print. Some conversation ensued as to the practicability of reprinting the whole work, but nothing was decided.

The secretary intimated that Government had granted 1,500 rupees for the printing a vocabulary in the Cochinchinese and English languages.

The receipt of numerous stuffed birds from Capt. Pemberton (obtained during the march to Bootan) was announced. Numerous copies of inscriptions derived from temples, pillars, stones, &c. were laid before the meeting, together with some spears and arrows from Cuttack and the Goomsoor country.

The meeting broke up at an early hour.—*Eng. Feb. 9.*

## NATIVE INFANT SCHOOL.

The examination of the children belonging to the Native Infant School, which took place at the Town-hall yesterday, seemed to have excited greater interest this year, than the last. The attendance of ladies and gentlemen was decidedly a more respectable one, but very few of the friends and relatives of the pupils, if we could so call them, were seen amongst the audience, perhaps owing to the hour being a little early for Hindoos in general. The number of boys appeared to have been much increased during the past year, and their improvement, indeed exceeded our expectations, in a great measure. Although there was not one amongst them, who was more than six years old, yet the answers they returned to questions put to them, seemed to astonish the whole audience. A bit of brass wire being held up, they described all its properties, namely, that it was flexible, elastic, &c. They went to say so far that it was not perfectly yellow but yellowish. A nose-gay of roses being handed over by the Right Reverend

Lord Bishop, they said what colour the flowers were as also their leaves. They did all this in English, which few children of their age could do in their own language; great credit is therefore due to Mr. Perkins and his assistants for the improvement they have made. They repeated the Bengalli alphabet, and the tables of weight and money current in this country. They sang a number of little infantile songs, and their performance was exceedingly well considering their age, and the time they have been in the institution, which is only a little better than a year old.

The Lord Bishop spoke highly of the regularity of their movements and their correct pronunciation of English, and touching upon the advantages likely to result from such an institution, expressed a hope that the ladies and gentleman present would contribute subscriptions so that funds might be raised for the purpose of establishing similar institutions in other parts of the country.—*Hurkaru*, Feb. 13.

# METCALFE TESTIMONIAL MEETING.

At a public meeting of the subscribers and intending subscribers to the Metcalfe Plate.

JAMES PATTLE, Esq., in the Chair.

Proposed by H. T. Prinsep, Esq., and seconded by Dr. Grant.

**Resolved.**—That this meeting enters cordially into the feelings expressed by the meeting of the British Inhabitants at Agra, in their resolution expressing their desire to erect a statue in honor of Sir C. T. Metcalfe, and to present him with a service of plate, and doubts not that the community of British India will co-operate effectually in the promotion of these objects.

Proposed by Mr. Longueville Clarke and seconded by Dr. J. R. Marim.

**Resolved.**—That by combining together the different public subscriptions which are now raising to offer testimonials to Sir C. T. Metcalfe, it would enable the whole Indian Community to express in a more distinguished

manner their appreciation of the merits and esteem for the character of that eminent man.

Proposed by Mr. H. T. Prinsep, and seconded by Mr. William Patrick.

**Resolved.**—That a committee consisting of the following gentlemen, the Hon'ble the Chief Justice, General McGregor, Mr. H. M. Parker, Mr. C. R. Prinsep, Dr. John Grant, Captain T. J. Taylor, Mr. Longueville Clarke, Mr. R. J. Bagshaw, be formed, to collect the subscriptions of the residents in Calcutta, and put themselves in communication with the committees formed or to be formed at the other presidencies and stations, in order to receive the sums that may be forwarded; and that it be an instruction to the committee to call another meeting on some convenient day after not less than two months, and to report the amount available for the purposes in view, with their recommendation as to its disposal, in order that a final resolution may then be come to in respect to the appropriation of the funds.

*Hurkaru, Feb. 20.*

## CAWNPOOR RELIEF SOCIETY.

The Committee of the Cawnpoor Relief Society have much pleasure in submitting to the subscribers, and the public in general, the report for the past year, presenting as it does, so favorable an account of the society's funds, and such decided testimony to the efficiency of its operations. They feel grateful that their call for confidence has been so liberally responded to, and that thereby they have been enabled to release many from suffering, and from the horrors of starvation. This exhibition of confidence has not only placed their successors in a position to relieve, but has also encouraged them to the work; and the state of the country, from the failure of both the khurree and rubber crops is such, that both funds and encouragement are amply needed.

The money now available, even under the most economical and judicious application, will scarcely meet three months' demand: the committee therefore entreat a continuance of that reliance which they have hitherto experienced.

To the all-wise God alone, who doth not willingly afflict the children of men, is known the extent to which the present distress will range; appearances indicate a lengthened duration, and unless Christian philanthropy exert its genial influence, the sufferings of the past will not bear contrast with those of the future, the contemplation of which is sufficient to unnerve the sternest mind.

The present is not the time to argue the question whether the establishment of relief societies be desirable or not, (the gratuitous support of the halt, the blind, the decrepid, and the detection of the worthless vagrant, intuitively recommends itself to our best feelings,) but it is the time to act; the labourer is without hire, the energies of life are sinking, and the land is filled with emaciation; casting aside, then, the question of the expediency of such institutions, the committee beg that each individual will, during the present grievous affliction, give a portion of his monthly income to meet the exigency—be it only a fiftieth, if universal, it will be sufficient. They are aware that there are some who, though, they do not throw aught into common fund, distribute for purposes of relief to a great extent: but, it may be asked, how can that charity be discriminating and efficient, by which some receive abundance and others not enough? The better half of charity is investigation; indiscrimi-

nate alms-giving is often, nay seldom otherwise than baneful, and but a very equivocal evidence of benevolence; that alone is entitled to the dignified name of charity which first assures itself of the existence of distress, and then relieves it;—examples as numerous as revolting could be adduced to support the above assertion, if support it need; but, perhaps it may be enough to testify, that the most abandoned and worthless have practised with much success on the liberality of the Christian public.

At the close of the year 1836; the balance in favour of the society was Rs. 6,674.9.3; at the close of the past year amounted to Rs. 5,625-8-9 exclusive of dependencies not then realized. The statement below exhibits the nature of the receipts and disbursements.

### RECEIPTS.

Monthly Subscriptions .....	Rs. 818 0 0
Sacramental Collections .....	2,752 7 6
Donations .....	2,832 15 0
Anomalous .....	1,437 7 10

7,840 14 4

In hand on the 1st January, 1837. .... 6,674 9 3

Total receipts.... 14,515 7 7

### EXPENDITURE.

Travellers.....	108 4 0
Monthly Pensioners (located).....	731 0 7
Assistant almoner's pay and chowkedars' .....	154 7 2
Sundries .....	1,455 1 11
Paupers from other districts .....	6,421 1 2

8,839 14 10

In hand on the 1st January 1838 ..... 5,625 8 9

Rs. 14,515 7 7

Under the term anomalous is included the Government allowance of Rs. 900 per mensem, and under that of Sundries, the purchase of tools for the emigrants, temporary hospitals and additional servants for the sick, &c. &c. Government have, at the request of the Committee, engaged to provide for the able bodied to an

unlimited extent ; and, it is hoped, considering the amount of the sick and weekly not less than 1,300, the former whom are receiving medical aid, that they may be induced to assist towards the support of these also.

The plan of relief hitherto pursued is that of employing those able to labour in some work of acknowledged public utility, paying to each of the men 4 pice, which, in the present scarcity can barely procure a daily meal, and, to all others, as many cowries according to the load and distance to which is carried, as will enable them, by a little exertion, to gain sufficient to supply the demands of nature. The labour has been employed on the public road, parades, and the ground in the neighbourhood of public buildings ; and the work now in hand is the excavation of a large tank near the Dragoon and Artillery Hospitals, and the filling up of the low ground in their immediate vicinity. The number of deaths from exposure and starvation, which have come under the cognizance of the society, may be estimated at 600 since the 1st of September last, and including those throughout the station, at 1,200 by the lowest calculation ; and the average number relieved daily 1,300.

Seven houses capable of holding 14 individuals have been built during the past year, on the premises of the society, which now can afford shelter to 41 persons.

The number of located paupers perfectly helpless is 30.

Respecting their endeavours to suppress vagrancy, the committee have every reason to feel satisfied that they have fully succeeded : the vagrant is known, his wanderings noted, and his trade checked : all that is required to complete the efficiency of this branch of the society's operations is a reliance on the judgment of the committee, by referring every petitioner unrelieved to them. The system of monthly returns of travelling applicants is maturing, and, will tend materially, combined with the confidence of the public, to frustrate the worthless vagrants' speculation. The number of travellers relieved is 32 : the number of these considered unworthy 10.

In closing their report the committee desire to express a fervent hope that Almighty God may, of his infinite mercy, bless the means adopted to the attainment of the end designed, and interpose to prevent the aggravation of the present unparalleled suffering from the continuance of the present drought.

J. RICHARDS,

January 1st 1838.

ALMONER,

Cal. Courier, February, 22.

## CORONER'S INQUEST.

An inquest was held on Tuesday afternoon last on the bodies of a Chinaman named Fasha, and of a native who was in his employ. The circumstances of the case were briefly these . . . About one o'clock that morning, Fasha and two of his countrymen, taking a servant with them, embarked at the Custom-house ghaut on board a boat, to proceed to Barrackpore. When off Nimtullah street, in consequence of the violence of the tide, and it being extremely dark then, the boat went foul of a sloop, and was capsized. The accident was noticed almost immediately after, by the police boats, and they hastened to the assistance of the inmates of the boat. After a short chase they succeeded in overtaking the boat which was floating up, near the Baug Bazar bridge ; and after hawling it ashore, it was discovered that Fasha, and his servant were dead in the

cabin, the latter completely jammed up under one of the seats. The companions of Fasha had succeeded in getting out of the cabin by breaking through one of the windows, and thus escaped a watery grave. All the crew had also been saved.

After due examination, the jury returned a verdict of " accidental death."

About twelve o'clock the same day, a ferry boat from Ghosry, was also capsized at Coomartooly ghaut. There were a number of people on board and all being in a hurry to get to land at once, the boat tilted and turned over. Amongst the passengers there were three *Sooniassees*, who were the only individuals that met their deaths by the accident. On the boat being soon after pulled ashore, their bodies were found under the *chopper*. — *Hurkaru, Feb. 2.*

## METCALFE LIBRARY.

(Correspondence between Government and the Committee.)

H. T. PRINSEP, Esq., Secy. to Govt. Genl. Dept.)

Sir,—Under appointment as a committee for carrying into effect the resolutions of a meeting of inhabitants of Calcutta to commemorate that act of the legislative council which establishes the freedom of the India Press, by the erection of a public building to be called the " Metcalfe Library,"—we beg that you will oblige us by submitting to the Right Honourable the Governor of Bengal, that an amount of subscriptions for the above purpose is raised, which we have reason to hope would provide for the erection of a commodious edifice, but which would certainly not be adequate to the purchase also of a sufficient quantity of ground upon which to build it in any eligible situation.

We are induced, therefore, to request that Government will liberally extend its aid towards the accomplishment

of an object of great utility, by granting to the inhabitants a piece of ground upon which to raise this monument of public gratitude for one of the earliest acts of the Indian legislature.

We take the liberty to suggest, that the whole of the enclosure to the north of the tank in Tank-square, being unoccupied, that space would afford ground for the building, desirable in every respect ; it being so centrally situated as to be accessible to all classes of the community, and most especially to those to whom the establishment of a library is calculated to be of the greatest service ; while it is at the same time sufficiently retired from the most noisy parts of the city, and is a situation where a simple but elegant building of the kind proposed might be made highly ornamental to the place.

The objects of the institution will render it of importance to consult the convenience of many classes of persons, to which we believe no other site would be so

well adapted. We trust that the consideration will plead as our apology for having taken the liberty to point it out as that which would best answer the purpose contemplated. And we have further to request that should that ground not be available, His Lordship will be pleased to grant some other spot in that neighbourhood for the erection of the "Metcalfe Public Library."

We have the honor to be, Sir,

Your most obedient servants,

(Sd.) J. Pattle,	(Sd.) W. Carr.
H. M. Parker.	J. Kyd.
T. E. M. Turton.	Dwarkanauth Tagore.
T. Dickens.	Russomoy Dutt.
W. N. Forbes.	

July 14, 1836.

(No. 986.)

To J. PATTLE, Esquire,

*And others, a committee for carrying into effect the resolution of the inhabitants of Calcutta, for the erection of a building, to be called the "Metcalfe Library."*

Gentlemen,—I am directed to acknowledge the receipt of your letter, dated the 14th instant, soliciting the grant of a piece of ground upon which to erect the edifice to be called the "Metcalfe Library," and suggesting the enclosure to the north of the tank in Tank-square as a place well adapted for the purpose, and to request, before the Right Honorable the Governor of Bengal can decide whether to allow the proposed building to be erected on the site mentioned, that he may have the opportunity of inspecting the plan.

I have the honor to be, Gentlemen,

Your most obedient servant,

H. T. PRINSEP,

Secretary to Government.

General Department, Fort William, the 20th July, 1836.

H. T. PRINSEP, Esq. Secy. to Govt. Genl. Dept.

Sir,—We have the honor to acknowledge the receipt of your letter of the 20th ultimo; and, as requested, to hand you herewith a plan for the proposed "Metcalfe Library," which has been drawn by a professional builder with reference to the extent of funds that will be at our disposal.

In laying this plan before the Right Honorable the Governor of Bengal, we shall be obliged by your explaining that it is submitted solely as exhibiting the scale of building, which the subscriptions would enable us to erect. The plan itself has not been decided upon nor considered with reference to eventual adoption, as it is our intention, should the Right Honorable the Governor of Bengal accede to the request contained in our letter of the 14th ultimo, to advertise publicly inviting plans and tenders. This however we should not feel fully at liberty to do until we are favoured with the reply of Government to our request.

We have the honor to be,

Sir, your most obedient servants,

(Sd.) T. Dickens.	(Sd.) W. Carr.
T. E. M. Turton.	H. M. Parker.
W. N. Forbes.	Russomoy Dutt.
Dwarkanauth Tagore.	J. Pattle.
J. Kyd.	

Calcutta, 11th August, 1836.

(No. 1264.)

To J. PATTLE, Esq.

*And others forming a Committee for carrying into effect the resolution of the inhabitants of Calcutta for the erection of a building to be called the "Metcalfe Library."*

Gentlemen,—With reference to your letter of the 11th ultimo, and to the previous correspondence on the subject of the "Metcalfe Library," I am directed by the Right Honorable the Governor of Bengal, to inform you

that His Lordship has obtained a report from the civil architect upon the site in Tank-square which has been requested for the "Metcalfe Building," and though objections have been stated to the proposed appropriation of the ground in question, yet it appears to his Lordship to be the most eligible of the sites which have been pointed out and that which may be most properly disposed of.

2. His Lordship has also learnt with much pleasure that the curators of the public library are of opinion that it would be of great benefit to their institution to have the use of such a building, and looking therefore to the just and liberal feeling with which the subscribers to its foundation have come forward, and to the general advantage which will be derived from a public library, they will be willing to waive all objection, and to grant to the committee the site in question as soon as he shall be satisfied that a sufficient and substantial building will be erected upon it on condition, in consideration of the inhabitants of the square, that the building do not exceed one story in height and that it be appropriated to no other purpose than to that of a library open upon liberal conditions to the public.

3. The plan is herewith returned.

I have the honor to be, Gentlemen,

Your most obedient servant,

H. T. PRINSEP, Secy. to Govt.

General Department, Fort William, the 28th Sept. 1836.

(No. 411)

To J. PATTLE, Esq.

*And others forming a Committee for carrying into effect the Resolution of the inhabitants of Calcutta for the erection of a building to be called the "Metcalfe Library."*

Gentlemen,—With reference to my letter, No. 1264, dated the 28th September last, I am directed by the

Right Hon'ble the Governor of Bengal to transmit for your information copies of correspondence noted in the margin by Mr. E. D. Barwell, on the subject of the assignment of a piece of ground in Tank-square for the site of a public library, and to state that His Lordship leaves it to you to determine, whether with reference to these objections and claims you think it advisable to persist in the selection of this spot for the proposed edifice.

Letter from Mr. Barwell dated 24th Feb. 1837.

Ditto to ditto dated 1st March.

Ditto from ditto dated 6th ditto.

Ditto to ditto dated 8th ditto.

His Lordship leaves it to you to determine, whether with reference to these objections and claims you think it advisable to persist in the selection of this spot for the proposed edifice.

I have the honor to be, Gentlemen,

Your most obedient servant,

H. T. PRINSEP, Secy. to Govt.

Genl. Dept. Fort William, the 8th. March, 1837.

H. T. PRINSEP, Esq. Secy. to Govt. &c. &c.

Sir,—Understanding that application has been made to Government for the assignment of a piece of ground within the enclosure on the north side of Tank-square, to be appropriated to the erection of a public library, I take the liberty of addressing you for the purpose of soliciting information, whether it is intended to comply with the application, and should such a measure be contemplated, I would humbly request permission to bring to its notice circumstances which would, I trust, induce the Government not to grant the assignment in question.

I have, &c.

(Signed) E. D. BARWELL,  
Advocate of Supreme Court.

2, Old Post Office street, February 24th, 1837.

(No. 349.)

To E. D. BARWELL, Esq.

Sir,—I am directed by the Right Honorable the Governor of Bengal to acknowledge the receipt of your

letter dated the 24th ultimo, relative to the piece of ground on the north side to Tank-square to be appropriated for the erection of a public library, and in reply to communicate to you a copy of the letter addressed under His Lordship's orders to the committee for erecting a public library under date the 28th September last.

2. The right Honorable the Governor of Bengal cannot believe, that an ornamental building of the kind proposed to be erected under the conditions imposed by His Lordship would be other than an improvement to the square, and to the property in the neighbourhood.

3. His Lordship will, however, be prepared to receive, and give attention to any objections that may be urged by yourself or any other parties interested.

I am, &c.

(Signed) H. T. PRINSEP, *Secy. to Govt.*  
*Genl. Department. Fort William, March 1, 1837.*

To H. T. PRINSEP, *Esq. Secy. to Government.*

Sir,—I was honored on the afternoon of the 4th ultimo, with the receipt of your letter bearing date the 1st of March, and relating to the proposed assignment of a piece of ground in Tank-square for the site of a public library.

As to the mere question of local improvement, it would ill become me to venture an opinion in opposition to the one so strongly intimated by His Lordship, the Right Honorable the Governor of Bengal, but I certainly was not without apprehension, that the sale of the property called Writer's Buildings, which has for a length of time been contemplated, would be materially prejudiced by a structure raised so immediately in front of it.

I have, however, much more forcible objection to submit to the consideration of His Lordship, viz. that the title to the ground proposed to be granted is (unless they have been divested of it in some way of which both the other member of my family in this country and myself are ignorant) in the trustees of the will of Mr. Richard Barwell, formerly of Calcutta, and of Stansted Park, in the County of Sussex, it will not, I apprehend, be necessary at present for me to disclose this title, further than to state, that up to this time Mr. Richard Barwell's estate, pays the ground rent to Government for upwards of eight beegas north of the tank and south of the great road running in front of the Writer's Buildings, as will appear by entries in the office of the Collector of Calcutta. I also find, on searching among some old papers, that reference is made to an agreement by Thos. Lyons (from whom Mr. Barwell purchased the property) not to erect a second range of buildings south of the 19 houses during the lease No. 52, to which Mr. Barwell was bound. This agreement I presume, remained in force during the subsequent tenancy of the buildings by the Company, which tenancy as to the greater part of the premises ceased with the expiration of the last charter.

I have to beg that you will convey to His Lordship, my humble and thankful acknowledgments for the readiness with which he has accorded the request contained in my former letter and hope that the nature of my present communication may be such, as to convince His Lordship, that I have not been guilty of any wanton intrusion upon his valuable time, should he require further information, and be pleased to allow me the honor of an interview, I might perhaps put him in possession of what little I know about the matter, in a shorter time than it would take to commit the same to writing.

I have, &c.

(Signed) E. D. BARWELL.  
2, Post Office-street, 6th March, 1837.

(No. 410.)

To E. D. BARWELL, *Esq.*

Sir—Your letter dated the 6th instant, has been laid before the Right Hon'ble the Governor of Bengal, and I

am directed in reply to state that the circumstances mentioned by you in respect to the title of the ground, within the enclosure of Tank-square, north of the tank, will be made the subject of particular enquiry, and in the mean time the Committee appointed for carrying into effect the resolution of the inhabitants of Calcutta, for the erection of a building to be called the "Metcalfe Library," will be made acquainted with the nature of the objections and claims preferred by you.

I am, &c.

(Signed) H. T. PRINSEP, *Secy. to Govt.*

*General Department, Fort William, 8th March, 1837.*

(True Copies,)

H. T. PRINSEP, *Secy to Govt.*

*Courier, February 5.]*

To H. T. PRINSEP, *Esq. Secretary to Government,*  
*General Department.*

Sir,—We have the honor to acknowledge the receipt of your letter of the 8th, instant No. 411, to the address of James Pattle, Esq. and others forming a committee &c. transmitting copies of correspondence with Mr. E. D. Barwell on the subject of a piece of ground in Tank-square, for the site of a public library; and stating that the Right Honorable the Governor General of Bengal has been pleased to leave it to the committee for the proposed edifice to determine whether they consider it advisable to persist in the selection of the spot in question.

We are directed by the committee for the Metcalfe Library to reply to your favour above quoted, and to request you will be so good as to submit to His Lordship their wish to adhere to the selection referred to; since they cannot find any situation in Calcutta so well adapted in every way for the purpose as the one referred to in Tank-square. The committee, therefore, solicits that His Lordship will obligingly authorize the proper Government officers to put us in possession, that the further necessary steps for the proposed building may be adopted.

We have the honor, to be, Sir, your most obedient servants,

(Signed) CARR, TAGORE AND Co.

*Secys. to the Committee for the Metcalfe*  
*Library Building.*

*Calcutta, 25th March, 1837.*

To H. T. PRINSEP, *Esq. Secretary to Government,*  
*General Department.*

Sir,—By direction of the committee of the Metcalfe Library Building, we take the liberty to beg your attention to our letter of the 25th March last; and as we have not received any communication from the proper Government officers, who we anticipated would put us in possession of the spot of ground in Tank-square, selected for the site of the proposed building, we solicit the favour of your intimating to us the necessary measures to be taken, and the authority to be applied to for the purposes of having the ground in question regularly made over for the purpose contemplated, the committee having, in obedience to the desire expressed by the Right Honorable the Governor of Bengal, submitted their wish to adhere to the selection of the ground referred to, no better situation in Calcutta occurring to them.

We have the honor, to be, Sir,

Your most obedient servants,

(Signed) CARR, TAGORE AND Co.

*Secys. to the Committee for the Metcalfe*

*Library Building,*

*Calcutta, 10th July, 1837.*

No. 986.

To MESSRS. CARR, TAGORE AND CO.  
Secretaries to the Committee for the  
Metcalf's Library Building.

Gentlemen,—I am directed by the Right Hon. the Governor of Bengal to acknowledge the receipt of your letters, dated the 25th March last, and 10th instant, on the subject of the piece of ground in Tank-square, selected for building the edifice for the "Metcalf Library," and in reply to state, that the matter has been referred to the Government law officers.

I am, Gentlemen, your obdt. servt.

H. T. PRINSEP, Secy. to Govt.

Gen. Dept. Fort William, }  
the 12th July, 1837 }

To H. T. PRINSEP, Esq. Secy. to Government,  
General Department.

Sir,—We have the honor to acknowledge the receipt of your letter of the 12th instant, informing us that our application in behalf of the Committee to be put in possession of the ground in Tank-square selected for the site of the proposed building of the Metcalf Library, has been referred to the Government law officers.

In reply the Committee authorize us to solicit that should any difficulty or inconvenience present itself in making over the spot of ground referred to, for the purpose contemplated, that Government will be pleased to point out any other spot where they can accord sufficient room for the erection of the proposed edifice.

We are, &c.

(Signed) CARR, TAGORE AND CO.  
Secs. to the Com. for the M. L. B.

Calcutta, 2d August 1837.

No. 193.

To MESSRS. CARR, TAGORE & CO.  
Secretaries to the Committee for the  
Metcalf's Library Building.

Gentlemen,—Your letter dated the 2d instant to Mr. Secretary Prinsep having been referred to me to learn whether I can suggest any other ground for the Metcalf Library Building than the position first proposed for it in Tank-square; previous to making my report to Government on this subject I am desirous of being informed whether your committee can point out any situation that would be eligible for such a structure, as I am not aware of any ground belonging to Government, that is not used for public purposes, and the giving up of which would not be attended with inconvenience.

I have the honor to be, Gentlemen,  
Your obedient servant,

W. R. FITZGERALD, Civil Architect,  
Fort William, Aug. 16, 1837.

CAPT. W. R. FITZGERALD, Civil Architect.

Sir,—We have to apologize for the unaccountable delay which has taken place, in replying to your letter of the 16th August last.

The Committee for the "Metcalf Library" request us to state with reference to your communication, that they would be content and thankful did the Government permit them to build the proposed edifice on the semicircular space of ground before the Town-hall, or opposite to the Ochterlony monument, immediately to the south of the Durrumtollah tank, opening upon the new cross road, or adjoining to the new reservoir near Chandpaul ghaut.

You will oblige us by ascertaining the pleasure of Government on this communication, and informing us at your earliest convenience of its decision.

We are, &c.

CARR, TAGORE AND CO. Secs.

Calcutta, 21st Oct. 1837.

No. 332.

To MESSRS. CARR, TAGORE AND CO. Calcutta.

Gentlemen,—Your letter dated the 21st ult. to my address, having been submitted for the orders of Government, I beg to forward a copy of Mr. Secretary Prinsep's reply to my communication, for the information of the Metcalf Library Committee.

I have the honor to be, Gentlemen,  
Your obedient servant,

W. R. FITZGERALD, Civil Architect.

Fort William, 9th Nov. 1837.

No. 1486.

To CAPTAIN W. R. FITZGERALD, Civil Architect.

Sir,—I am directed to acknowledge the receipt of your letters, dated the 4th and 25th ultimo, the latter enclosing the copy of a letter from the Secretaries to the Metcalf Library Committee to your address, proposing the semi-circular spot of ground before the Town hall, or opposite to the Ochterlony monument, immediately to the south of the Durrumtollah tank opening upon the new cross road, or adjoining to the new reservoir near Chaundpaul ghaut, as sites on which to erect the Library.

2. In reply I am directed to state, that the Deputy Governor of Bengal cannot consent to assign ground beyond the existing line of buildings towards the Esplanade of the fort.

I am &c. &c.

(Signed) H. T. PRINSEP, Secy. to Govt:

General Department, Fort William, the }  
1st Nov. 1837. }

(True copy) W. R. FITZGERALD, Civil Arch.  
[Englishman, Feb. 6.]

## SIR CHARLES METCALFE'S VISIT TO ALLAHABAD.

Sir Charles Metcalfe and suite reached Allahabad on the 15th instant, and the steamer *Magna* having arrived on the following day, and discharged a miscellaneous cargo of matrons, maids and packages, was immediately prepared for his reception. Mr. Colvin gave a ball to Sir Charles on the evening of the 17th, on leaving which he embarked in the steamer, and sailed early next morning.

We have much pleasure in presenting to our readers the valadictory address of the residents of Allahabad to Sir Charles Metcalfe, and His Honour's reply. A large body attended on the presentation of the address, which was read by Mr. Bird.

Pursuant to resolutions adopted at a meeting held on a former day, for the purpose of considering on a public address to Sir C. Metcalfe, on the occasion of his



relinquishing his high functions of Lieutenant-Governor of the north western provinces, the residents of Allahabad, comprising all the heads of departments and many of the uncovenanted servants of Government, with some of the officers of the station, proceeded at noon, on the 17th instant, to the Honourable Baronet's tent, which place he had appointed to receive them.

After a few words expressive of his entire approval (individually) of all the Lieutenant-Governor's public acts, and of his pleasure at having been selected as the organ of communicating the sentiments of the meeting, the Chairman (Mr. R. M. Bird) read the following :

#### ADDRESS.

HON'BLE SIR,—We, the residents of Allahabad and its vicinity, desire to wait upon you on this occasion, with our assurances of regard for your person, respect for your character, and sorrow for your departure.

The immediate cause of your withdrawal, in the full vigor of your strength and faculties, from the discharge of those high functions in which you have evinced so deep and constant an interest, we have learned from your published reply to the address of our fellow-countrymen at Agra, on quitting the seat of your Government. On this point, thus openly declared and set at rest, it would hardly become us to inquire or to remark further.

But under any circumstances, we must deeply regret the loss of an experienced, high-minded, and able Governor, whose established reputation, intimate acquaintance with the concerns of every public department, sound and extended policy, and tried administrative skill could not fail to secure to you the fullest confidence of all under your authority, and, especially, to stimulate and encourage those who have been entrusted with the subordinate conduct of the various branches of the public service.

We beg you to accept our grateful thanks for the hospitality and social virtues displayed during the brief period of your sojourn at this station; for your ready aid to every benevolent object; for that kindness and courtesy, as well in official as in private intercourse, which never fails to conciliate affection, and command esteem, and which will not speedily be effaced from our remembrance.

Your judicious measures for the relief of the distressed population during the present calamitous year, and strenuous exertions to obviate the threatened scourge of the last, form a suitable close to a long career of enlightened benevolence, and cannot, we feel, fail to call down on you the blessings of those who were ready to perish.

We now, with all regard and regret, bid you farewell. We trust you may long be continued to be a blessing to all those within the sphere of your influence. We feel assured that, whether you may again engage in public, or enjoy the quiet of private life, you will possess that assurance of the confidence and affection of those over whom you have been called to preside, and that satisfaction in the recollection of a life spent in the service of mankind, which, to a benevolent mind, is a never-failing spring of pleasing recollection and present enjoyment.

#### SIR CHARLES METCALFE'S REPLY.

*To the Residents of Allahabad.*

SIR,—I beg you to accept my warmest thanks for the honour conferred on me by this address.

The assurance of approbation and esteem, at the close of a long public life, is the most gratifying reward of honest service. The expression of such sentiments in this conspicuous manner, is a high distinction, and a manifestation of personal regard, for which I must ever be grateful. The recollection of this testimony of your friendly feelings, and of the other marks of kindness which I have received from all classes of the inhabitants of these provinces, on the occasion of my departure, will be a never-failing source of pride and comfort to me, whatever may be my future course of life. The same

would overwhelm me with shame and sorrow, should I ever do any thing unworthy of sentiments which you have so generously expressed.

Among those who have honoured me on this occasion, are some of the most eminent of my fellow servants; who are at the head of the great branches of the public administration in these provinces; and whom I have always regarded as colleagues in the government entrusted to my charge. With such efficient co-operation, the task of administration was easy, and was cheered with every prospect of success. The government is now in the stronger hands of the Governor-General, and I entertain a confident expectation that with his Lordship's beneficent and enlightened views, and with such powerful aid as he will derive from the controlling authorities to whom I have alluded, and from the integrity, zeal and ability pervading every grade of the public service, the prosperity and happiness of these provinces will be greatly advanced; provided, as I humbly hope, it may please the Almighty Giver of all good to grant more favourable seasons, and remove the drought and dearth, which prevail to a most painful extent in some districts; but here, I am happy to see, in a less degree, than in those from which I have recently come.

My administration in these provinces has been exclusively civil; I have not had the usual authority of a Governor over the army. It is only, therefore, to those officers, military, as well as civil, who have acted under me in a civil capacity, that I am at liberty to express the thankfulness which I feel, for their valuable assistance and support. I notice this circumstance, partly because it precludes me from paying officially the tribute due to the merits of the military branch of the public service, for which I have always entertained heartfelt respect and affection, and to which we owe the acquisition and preservation of our Indian empire; and partly because I am proud to state, that, notwithstanding the want of those powers which are usually attached to the administration of a Government, I have invariably received from the officers of the army, consideration, attention, and courtesy, to the utmost extent that could have been expected, if the military as well as civil powers of government had been vested in me—I may say to a greater extent, for there has been more than mere respect for station—there has been the greatest personal kindness, such as I must ever acknowledge with gratitude. This grateful feeling, although the expression of it is called forth on the present occasion, by the friendliness which I have experienced in these provinces, extends beyond local limits. It is not confined to one presidency, not to any one branch of the army, nor to any particular description of force. Wherever I have served in India, I have always found, on the part of every portion of the army, without exception, in public duties the most zealous co-operation, and the most hearty desire to uphold the civil power; in social life, uniformly, the utmost hospitality, cordiality, and kindness. The impression made on me by what I have witnessed in these respects, can never be effaced, and I trust that it is not presumptuous in me to avow my sense of it. The greatest part of my life has been passed in situations, in which the society has been for the most part military; and the consequence of the intimate intercourse has been on my part a degree of admiration and attachment, which I cannot adequately describe; but, nevertheless, cannot wholly refrain from declaring, on the last opportunity that I may ever have, of giving public expression to such sentiments.

I beg you all, gentlemen, again to accept my grateful thanks for your kindness, with my fervent wishes that every blessing may attend you, and that this Country may be rendered prosperous and happy, more and more, by that devotion to the public interests which does honour to every branch of the public service.—*Cat. Courier, February 6.*

## ENTERTAINMENT TO Æ. R. McDONNELL, Esq.

The public entertainment given to Æ. R. McDONNELL, Esq., on Saturday last, by the Native Gentlemen of Madras, was in every respect as creditable to them as it must have been most gratifying to their honored guest. We may say without being accused of flattery, since he will have quitted our shores before these remarks appear, that no man ever spent a long life in India more universally and deservedly admired and esteemed by all classes than Mr. McDONNELL; and the Hindoo community in publicly testifying their approbation of his conduct, have "won golden opinions from all sorts of people."

The fête given to Mr. McDONNELL, by his numerous Hindoo friends was a "Subscription Nautch," at the residence of C. V. Juggarow, in Vepery.—All the roads leading to the scene of festivity were lit up with torches for the occasion; and the garden and house were one blaze of light. At half past eight o'clock, the guests, European and Native, began to arrive; and in half an hour the hall was pretty full. The European gentlemen were about sixty in number, principally of the civil and military services; and several ladies were present also.—The following programme exhibits the order of the entertainment above-stairs.

*Programme of the Nautch, given to Mr. McDonnell, Feb. 3, 1838.*

*First.*—A set of three Mahomedan dancing-women, dancing in a circular form round the hall.

*Second.*—A young Hindoo girl dancing on the sharp edges of swords, which are fixed in a ladder, at the same time cutting pieces of sugar applied below her feet.

*Third.*—A set of eight Hindoo dancing-women, each of whom separately holding a string fixed in the ceiling; dancing in different ways and forming the strings into nets, ropes, &c. at the same time singing and beating time with their feet and hands.

*Fourth.*—A set of three Hindoo Dancing girls dancing in the Carnatic form.

*Fifth.*—A Hindoo dancing girl, dancing in the Hindoo form to an English tune.—Music with European Instruments.

Fiddlers, songsters and some dancing girls form the sixth.

About the middle of the entertainment, Mr. McDONNELL was approached by C. Strenvassay Pillay and G. V. Juggarow, and, whilst the former stood by bearing the cup to be presented to Mr. McDONNELL, G. V. Juggarow addressed that gentleman to the following effect:

"The Hindoos, whom you have this day so highly honoured by your acceptance of the entertainment prepared for you, are proud to number you amongst the warmest of their European friends. It has devolved on me to express the feelings excited by the recollection of your kindness to them. I cannot attempt to say any thing more than simply to allude to the deep regret which pervades our minds at the prospect of being deprived of your presence at Madras, even for a season. In the mean time, however, while we indulge the warmest hopes of seeing you return to us, at no distant period, with increased honours, we beg you will carry with you this trifling memorial of our sincere regard and esteem. We wish you a safe voyage to England, and all possible prosperity." (*Loud cheering.*)

The Cup presented to Mr. McDONNELL by his native friends is a handsome silver vase, with cover and

salver. The cup surmounted with a raven, the family crest, and the coat of arms engraved on one side, with the following inscription on the other as well as on the salver:

PRESENTED

To Æ. R. McDONNELL, Esq.

BY HIS HINDOO FRIENDS AT MADRAS, ON THE  
OCCASION OF HIS DEPARTURE FROM INDIA,  
AS A SLIGHT TOKEN OF THEIR SINCERE  
REGARD AND ESTEEM.  
3D FEB. 1838.

*Mr. McDonnell replied to the following effect:*

"I regret very much that I cannot sufficiently express my feelings at the entertainment given by my native friends. When a man's heart is full he is unable to utter a word. Nothing could have gratified me in this world more than the honour done me this evening. I have been in India for thirty years, and from the situations I have held in the Revenue department, I have had opportunities of being much associated with the natives, and I have liked them very much. Pray accept my thanks for the piece of plate which you have done me the honor to present to me; and which will be preserved in my family from posterity to posterity."

Almost immediately after the presentation of the cup, G. V. Juggarow proposed Mr. McDonnell's health in a glass of champagne, which was drunk by the European friends with enthusiastic and deafening applause. Mr. McDonnell then proposed the health of C. Strenvassay Pillay and the Hindoo gentlemen of Madras, in a brief but very appropriate speech, which was also drunk by the same portion of the Company, with hearty cheers.

The entertainment was kept up with unbounded hilarity until midnight. Two sets of dancing girls exerted their powers for the amusement of the company, at the same time, in very different costumes and received great applause. To persons who never witnessed the sight before, nothing can be more entertaining than the novelties, and, to some extent, the grace of a Hindoo dance; and, in spite of what has been alleged to the contrary, nothing can contrast more favourably than it does with the *legerette*, to use the mildest word of our own Opera-house. It was said that the value of the jewels on three of the girls who were dancing together, could not have been less than ten thousand pagodas! They were literally covered with brilliants, not excepting their noses, which were positively tortured with precious stones.

The rather alarming exhibition of a young girl dancing on the sharp edges of swords, which formed the second act, was repeated late in the evening; but on the second occasion she cut limes with her heels instead of sugar cane. It appears hardly credible that a delicate little girl should be able to stand on the edge of a sharp sword, and at the same time, by pressing with her heel, cut a lime in two on the same instrument.

We must not omit to notice, that throughout the evening the European guests, and especially the ladies, experienced the most polite and unremitting attention from the native gentlemen who gave the entertainment. A room was laid out with every luxury to gratify the palates of our omnivorous countrymen—wine cooled to a fault; and, indeed, nothing omitted which could render the entertainment worthy of the occasion.—*Herald Feb. 7.*

## STEAM COMMUNICATION.

To the Right Honorable LORD W.C. BENTINCK, G.C.B., M.P. and the Home Committee of the Bengal Steam Fund.

My Lord,—I have the honor of enclosing for your Lordship's perusal, a copy of a letter, which, on the 20th September last, I addressed to the Secretary to the New Bengal Steam Fund, in which you will perceive that I expressed an intention to suspend to my retirement from the service of the subscribers to that fund, until they had been afforded an opportunity of considering the vindication of my conduct, which I had felt it a duty to address to them. I was not then aware of the communication which had been made to you, and reflection upon the nature of that communication has induced me to judge that a departure from the course which I had designed to pursue, will, under these circumstances, be more advisable than an adherence to it.

The Calcutta committee having referred the selection of an agent entirely to your judgment, I feel that it would be improper that I should persevere in any measure that might embarrass your proceedings, or interfere, in the slightest degree, with the most perfect freedom of choice.

I therefore beg leave most respectfully to tender my resignation of the office which I have now exercised under your control for nearly a year and a half, during the whole of which period, it is satisfactory to reflect, that I have had the good fortune to meet with your entire approbation and cordial support.

I take the liberty to enclose a copy of correspondence arising out of some libellous remarks in the *Calcutta Courier* on my conduct as agent.

I have the honor to be, my Lord,  
Your most obedient servant,  
(Signed) R. M. GRINDLAY.

16th Nov. 1837.

Dear Sir,—We have to acknowledge the receipt of your letter of the 16th instant, in which you tender your resignation as agent to the subscribers to the New Bengal Steam Fund, in consequence of the letter lately addressed to us by the committee at Calcutta.

As the mere agents ourselves of that committee, we should have felt bound to have acted upon the instructions conveyed to us, although opposed to our own opinion, if we did not possess information and personal knowledge as to your services to that cause, which the Calcutta committee are anxious to promote, beyond what was, or could be possessed by them at the date of their letter of the 1st of May last; and which we cannot but believe would have occasioned a very different feeling from that by which, under a misapprehension, they seem to have been actuated towards you at that period.

Under these circumstances, and with the strong impression we entertain, that when they shall become as thoroughly aware as we are, of the zeal and ability with which you have endeavoured to promote the adoption and success of the comprehensive plan of steam communication direct to each presidency, the Calcutta committee will be anxious to do you full justice; we believe that we best study the interests, and the probable future wishes of our constituents, in declining to accept your resignation, until we shall have an answer to the communication which we shall think it our duty alike to them and to yourself, immediately to address to them on this subject; and in requesting you as a personal kindness to ourselves to continue your valuable services to us and to the cause in the intermediate time as our secretary.

That we may, however, pursue the instructions which we have received from Bengal, so far as they do not make us parties to what appears to us an injustice to yourself, we have to request that you will favor us with a statement of your account with the New Bengal Steam Fund committee, that we may transmit forthwith for their inspection and approval.

We remain, dear Sir, your obedient servants,

Wm. Bentinck. Wm. Crawford.  
Thomas M. Turton. G.G. de H. Larpent.  
J. Mackillop.

London, 17th Nov. 1837.

[Englishman, Feb. 6.]

Proceedings of the ninth half-yearly meeting of the Subscribers to the new Bengal Steam Fund, held at the Town Hall, on the 19th day of February, 1838.

WILLIAM SPIERS, Esq, in the Chair.

The Report of the Committee having been read by the Chairman,

It was proposed by Mr. Colvin and seconded by Mr. Smith, and carried unanimously:

That the Report including the accounts, be received, approved and published.

It was then proposed by Mr. Colvin and seconded by Capt. Vint, and carried unanimously:

That Mr. Edward Harding be appointed a member of the Committee in the room of Mr. Benjamin Harding, gone to England.

On the motion of Captain Forbes, seconded by Captain Birch.

The thanks of the meeting were voted to the Chairman.

WM. SPIERS, Chairman.

Town Hall, Calcutta, Feb. 19, 1838.

## REPORT.

*Of the Committee of the New Bengal Steam Fund to the subscribers to the Fund, and to the petitions at the ninth half yearly General Meeting convened under the 10th Regulation of the Original Meeting of the subscribers to the Fund, held on the 22d day of June, 1833.*

The Committee of the new Bengal Steam Fund, at this the ninth half yearly Meeting of the subscribers under the 10th Resolution of the original meeting held on the 22d June, 1833, are happy in being able to report that the cause of a comprehensive steam communication is advancing, if not so speedily as might be wished, yet with certainty towards eventual success.

Since the last report presented to the meeting, held on the 19th August last, the evidence taken before a Select Committee of the House of Commons, obtained by Lord William Bentinck, has been received and reprinted for circulation in India. Consequent on that evidence, and the recommendation of the Select Committee of a "continued and zealous attention to the subject on the part of her Majesty's Government and the East India Company," a general meeting of the inhabitants of Calcutta and its neighbourhood was held on the 4th ultimo; at which a renewed petition to the House of Commons, and memorials to the Board of Control were passed, as also an address to the Right Hon'ble Lord Auckland. The petition was entrusted to the Committee to obtain signatures, and to forward to Lord William Bentinck for presentation to the House of Commons. Six thousand and nineteen signatures were affixed to the petition, when it became necessary to

despatch it by dāk banghy, so that it might be sure of reaching Bombay in time for the *Atalanta*.

The Hon'ble the Deputy Governor was requested to allow it to be despatched free of charge, with instructions that it might be specially entrusted to the Commander of the Steamer with directions to cause it to be speedily delivered to Colonel Campbell, in order to its certain despatch by the first Alexandria steamer; this was most readily granted. The duplicate copy was at the same time despatched by the *Repulse*. The Committee have addressed Lord William Bentinck, and, according to the tenor of the second resolution of the meeting, of which copy has been forwarded to his Lordship, have solicited his Lordship's continued exertions.

The memorials were forwarded to the Hon'ble the President in Council by the Hon'ble Sir Edward Ryan, the chairman of the meeting, with the request of the meeting, that they might receive such support as the important object might seem to merit. His Honor in Council in reply, has given assurance that they will receive his earnest recommendation. In reply to the address of the inhabitants of Calcutta, Lord Auckland has expressed himself in terms the most favorable towards the extension of the communications to the three presidencies. The Committee congratulate the subscribers most sincerely on this powerful accession to the cause.

They are happy also to be able to report the deep interest taken in their proceedings in another high and influential quarter. The agents of the Committee at Colombo, Messrs. Parlett and Co., report as follows, under date 15th ultimo. "We have deferred addressing you to the present time in order to be enabled to report to you for the information of the Committee, the result of an interview we had on the subject with his Excellency the Governor."

"We beg you will be good enough to state to the Committee that his Excellency has authorized us to communicate that, in the event of the plan of steam communication which they contemplate being matured, his Excellency will recommend that the executive Council of this colony should authorize the Government to bear a proportion of the expenditure. His Excellency further expressed his wish to promote the completion of the comprehensive scheme as far as lay in his power."

The Committee feel assured that it is wholly impossible the home authorities can resist the force of the evidence taken before the late Select Committee of the House of Commons, backed as it is by the united support of all the Indian Governments. They refrain from expressing as they feel, the value of this support, and especially of that of the Governor-General. They know it to be given under a conscientious sense of its being due to the cause; and they feel satisfied that it must be so received at home.

The Committee have also the satisfaction of reporting that the feeling in favour of the extended communication is gaining ground to the Eastward. Messrs. Syme and Co. have requested, with reference to the enquiries made at Singapore, that 50 copies of Dr. Lardner's pamphlet might be sent to them for distribution. Only twenty copies being left; they have, together 50 copies of the evidence taken before the Select Committee, been forwarded to them by the *Sylph*.

The Committee did not receive any communication by the last mail from the Home Committee, and they are ignorant whether or not it was the intention of Lord William Bentinck to follow up the report of the select Committee by any motion in the House of Commons. They rely, however, entirely on his Lordship's zeal and judgment; and they feel assured that his Lordship's parting pledge to procure the attainment of the object by every means in his power, as it has been so energetically followed up, so it will never be lost sight of until success is achieved.

The accounts are as usual laid on the table for the inspection of the subcommittees. The only items on which any remark seems necessary are those for printing and advertising, and especially the latter.

The first item is, Rs. 1,088 for printing. Of this Rs. 888 are on account of the reprint of Dr. Lardner's pamphlet, and Rs. 200 are for the reprint of the evidence taken before the Select Committee of the House of Commons. For this latter a further sum of Rs. 453,8 will be required.

The advertising charges amount to Rs. 1,587.3.11, and between three and four thousand rupees are still due. This heavy charge has been chiefly incurred in advertising the conditional scheme throughout India; as well as in giving notice of the reprints of Dr. Lardner's pamphlet, and the evidence taken before the Select Committee of the House of Commons. Measures will be taken hereafter to reduce this charge, should extended advertisements be again required. The actual balance amounts to Rs. 49, 910.12.7, exclusive of £300 in the hands of the Home Committee. The balance, however, is subject to a letter of credit in favour of the Home Committee for £1,000.

By order of the Committee,  
C. B. GREENLAW, Secretary.

Town Hall, Calcutta, Feb. 16, 1831.

Summary statement of receipts and disbursements on account of the New Bengal Steam Fund, from 1st August 1837, to 31st January, 1838.

To balance as per last account			
Dated 16th August, 1837, published in the Bengal Hurkaru of the 21st August, 1837, Company's paper Sa. Rupees 51,200, or Co.'s Rs.....	54,613	5	4
Cash.....	11	15	1
	54,525	4	5
Interest received on Co.'s paper.....	665	9	6
	55,290	11	18
Less Cash due to the Union Bank as per last account.....	3,	77	2 7
			52,183 11 4

#### DISBURSEMENTS.

By Secretary's Office Clerks pay from 1st Aug. to 31st Dec., 1837.....	176	4	6
Stationery purchased for the petition and memorials ditto 24 rs. at 2 each..	41	0	0
Hire of peons, coolies, dingies and palankeen.....	46	15	0
Section writers work.....	112	8	0
	396	8	0
By Postage, amount paid on this account.	330	8	6
By Freight, amount paid on a parcel to Galle to the address of T. Twynam, Esq..	4	0	0
By charges general, paid for printing sundry papers.....	8,088	0	0
Paid for lithographing ditto.....	618	0	0
Paid for advertising charges.....	1587	3	11

Paid for new papers.	8	0	0
Paid fees for re- newing Co.'s Papers.	5	0	0
	3306	3	11
By interest, amount debited the Fund up to 31st December last, due to the Union Bank.....	134	2	8
	4,171	7	1
Balance on the 31st Jan. 1838, Co.'s Rs.	47,942	4	3
Composed of the fol- lowing balance as per last account.....	51,418	1	10
Interest since receiv- ed, cash in secretary's hands.....	661	9	6
	37	12	6
	52,141	7	10

Leas cash due to the Union Bank since 1st August last.....	4,209	3	7	
	<hr/>			
	Co's Rs.	47,942	4	3

Besides this balance, Co.'s Rs. 1,968-8-4, were received on the 1st instant, being a return from Messrs. Harding and Thacker out of £500 remitted to them for the purpose of promoting the object at home, making the balance in favor of the fund, Co.'s Rs. 49,910-12-7, the whole balance is subject to £1,000, on account of a letter of credit granted by Messrs. Cockerell and Co: in favour of the Home Committee.

Errors Excepted,

C. B. GREENLAW, Secy. N. B. S. Fund.

Calcutta, Town Hall, Feb. 16, 1838.

Hurkaru, Feb. 21,

## MEDICAL AND PHYSICAL SOCIETY.

*Proceedings of a Meeting of the Medical and Physical Society of Calcutta held at the Asiatic Society apartments the 3d Feb. 1838.*

Letters from the following gentlemen were read:

From J. Furnell, Esq., requesting to withdraw from the Society, because he could not afford the expense of forwarding the *Quarterly Journal* to his station.

From the brother of the late Mr. Twining to J. Hutchinson, Esq., expressing the gratitude of himself and family for the marks of respect shewn to the memory of their deceased relative by the Medical Society. The writer requested also that they would furnish his friends in Canada with some memorial of Mr. W. Twining, a collection of his writings, his picture, or some similar token.

It was resolved by the meeting, that a set of the Society's Transactions, a copy of the inscription and drawing the monument erected over the late Secretary's grave, and one of the busts taken after his death, should be forwarded to his brother at Halifax.

The following communications were presented:

Sketch of an epidemic congestive fever that became contagious in a gang of convicts in Macnab, Esq. M. D.

Accounts of the cholera which lately prevailed in the Camp of the 2d troop 3d Brigade Horse Artillery, during its march from Mhow, by G. Brown, Esq., Surgeon of the troop.

1st. The discussion of the Library question was then resumed, and it was resolved, upon the motion of Dr. G. Shaughnessy, seconded by Dr. Goodeve, that it would be better not to form any determination upon the subject until the continuance or abolition of the *Quarterly Journal* shall be decided by the votes of the Mofussil members.

It was resolved also, that it was not necessary to consult the Mofussil members with respect to the transfer of

the Library from the Asiatic Society's apartments, should it hereafter be deemed advisable to resort to that measure.

The Secretary then stated to the meeting, that in compliance with the resolution passed in January, he had applied to Mr. G. Hill to know upon what terms he would perform the duties of Treasurer to the Society. That gentleman replied that the ordinary terms were ten per cent. upon the collections, but he should prefer a small salary from 25 rupees per month. He stated that he did not wish to make any profit by the office. It was more with a view to increase his connexions that he wished to accept it, and the sum above stated would only suffice to cover his necessary expenses.

The Members present considered that this would be to serve a drain upon the funds for such an object. The Secretary then stated his willingness to resume charge of the duties, which it was proposed to transfer to Mr. Hill, rather than put the Society to any unnecessary expense, although the Office of Treasurer was by no means the most agreeable part of his avocation, and he would gladly have faced himself of the task if circumstances had permitted him to do so.

It was proposed by Mr. Egerton seconded by Mr. Corbyn, that Dr. Goodeve's offer be accepted with the thanks.

It was then proposed by Mr. Hutchinson, seconded by Mr. Allan Webb.

That, with a view to restore the Society to its pristine state of prosperity, those members who have seceded from it up to this period, be invited to rejoin, without being called upon to submit to the formality of a ballot. This was carried unanimously.

Mr. R. O'Shaughnessy's account of the cases, where-in the artery was successfully tied by him, was then read and discussed.

H. H. GOODEVE, M.D.

## GRAND BALL TO SIR CHARLES METCALFE.

The Metcalfe festivals are at length over, the public and their distinguished fêted one will now have a little rest, and "gentle dulness" will now re-assume her reign in the place of popular excitement. Well, all earthly things, as some grave philosopher has observed, "have their drawback," and Fame has certainly a share, any more than its share, of disagreeable appendages. To be the lion of season is one of those enviable distinctions exceedingly beautiful in prospect but very harassing in reality. We think that we *shall* like it, but find we *don't*, and fame instead of being a blessing is discovered to be a dead bore. And now could we discourse most excellent wisdoms upon this same subject of popularity, but as it is our business to write about a "ball and supper," we shall bring our morality to a close, leaving the philosophical reader to carry on, in his own mind, the train of speculations here suggested whilst we devote ourselves entirely to *L'Allegro*.

Three public dinners and a huge omnium gatherum ball we should conceive to be full as much as any mortal being, with ordinary faculties of enjoyment, could go through with satisfaction, to himself in the brief space of one week. We doubt not but that Sir Charles thinks the same, and he must now be cordially rejoiced that these things have become matters of retrospect, and that they are now no more of those irksome affairs hanging over his worthy head. The "grand ball" of Monday was, as Sir Charles said at supper, the closing scene of his Indian career. It is very difficult to say whether it were, or were not, the thing that is usually called "a good party." They who esteem quantity above quality must have been fully satisfied by the aspect of the room about 11 o'clock. We have seldom or never seen the Town-hall more densely crowded at a party of this description, nor do we ever wish to see it so again. It was intended to be a fancy ball but there were very few fancy dresses and most of the distinguished present were in their ordinary costumes.

Sir Charles Metcalfe arrived about 10 o'clock, and was received by a phalanx of stewards who escorted their honourable guest into the ball room and then opened their ranks for the burra sahib to pass up to his seat at the extremity of the room. Every third gentleman seemed to be a steward, for wherever we turned our eyes we saw a ribbon and a round non-descript appendage, with certain letters worked upon it which might have been C.T.M. Dancing commenced immediately after the entrance of Sir Charles Metcalfe, and was kept up "with great spirit," (we believe that is the phrase) till a tumultuous rush to the supper room about 12 o'clock put a stop to the Terpsichorean proceedings.

We shall take advantage of this break in our narrative to say a few words concerning the two or three fancy dresses which appeared to us worthy of notice. There was a clown, who jumped about considerably; a Paul Pry who played on the castanets, and a Neapolitan Minstrel looking gentleman, who played some airs on a guitar. The Fantastic certainly prevailed over the elegant in costume on Tuesday night. Mr. Wynyard was admirably dressed as Pam, or "his Nob"—in other words the knave of clubs, and looked precisely like the incarnation of that redoubtable card in some Brobdignagian pack. Dr. Evans, as Mother Goose, trotted about on high heeled shoes arm in arm with Moll Fraggon, who found an excellent representative in Doctor Watson. Mr. Aubert was well dressed as Massaroni, or some other conspicuous Brigand. Mr. Henry Palmer in an excellent costume as that arch scoundrel Sir Giles Overreach, and Mr. Pigou as that famous gentleman in the *Fortunes of Nigel*, the monosyllabic Master Jem Vin,

Of the ladies we know none to particularize; for there were but very few in fancy-dresses, and with those few we have not the honour to be acquainted. It seemed for some reason or other, to be the prevailing notion that it was more distingué to go in ordinary attire, and consequently amongst the multitude assembled there was but a small sprinkling of fancy displayed.

The supper was plentifully sufficient to feed a moderate sized army after a long march. But we did not see any-body in our neighbourhood attempt to diminish the quantity on the board. A sit-down supper is at best an intolerable nuisance, and we had hoped that the system was almost abolished in the City of Palaces. However as it gave the ladies an opportunity of hearing Sir Charles speak in public, perhaps we may find an excuse for it upon this late occasion. Sir Charles sat at a table in the centre of the supper room, somewhat elevated above the others; a small table, which was occupied by some half dozen of the most distinguished denizens of our Indian Community—Miss Ross, Mrs. Shakespeare, Mrs. Cameron, Mrs. McGregor, Sir Edward Ryan, Mr. Cameron, and Capt. Prescott. When the assembled numbers had partaken of a little ice, a little jelly, and a glass of champagne, they began to turn their eyes towards the burra table in expectation of the coming oratorical display. Sir Edward Ryan soon rose, and, in a fine clear voice, made a speech well adapted to the occasion. People thumped the table and made a noise—generally at the wrong time—and Sir Charles's Health was drunk with vociferous acclamations from every side. The honorable Baronet then rose and, labouring under considerable emotion, returned thanks *sotto voce* for the honour conferred upon him, spoke very feelingly upon the subject of parting from so many kind friends, and in conclusion proposed—"The ladies," a toast, which uniformly carries with it a considerable degree of self-negation, for it invariably makes all their heads ache, owing to the noise which it always elicits. Shortly after this Captain Taylor drew the attention of the company to a circumstance in the life of Sir Charles which reflects upon him no little honour. Among the many characteristics of their distinguished guest, (said Captain Taylor) to which public attention had been directed at the recent entertainments in honour of his departure, there was one which had hitherto escaped notice, a characteristic, which men respect, but which the ladies love, he meant Sir Charles Metcalfe's gallantry. (*Applause*.) The public would have seen in the papers of the day that Sir Charles had served at the storm of Deeg, but Capt. T. had heard since he entered the room, an anecdote connected with that event, which he thought ought to be publicly stated. In the first Mah-ratta war in 1804, Lord Lake having been induced to believe that some civil servants in camp did not sufficiently appreciate the dangers, or had spoken slightly of the difficulties with which he had to contend, observed one day at dinner that it was all very well for civilians to treat such matters lightly, as they had a precious easy time of it! Sir C. Metcalfe was present at that period, a very young man, and to show Lord Lake that the civil service are not those gentlemen of India who live at home at ease, but were made of somewhat sterner stuff than his Lordship seemed to think, he volunteered for the storm of Deeg, and to the admiration of the whole army, entered that fortress sword in hand, among the foremost of the storming party. (*Cheers*.) Captain T. added, that it was a remarkable fact, and one on which he dwelt with peculiar satisfaction, that the two most distinguished statesmen the Indian civil service had produced, Mr. Elphinstone and Sir Charles Metcalfe, had always been soldiers where ever they could

be so. (*Cheers.*) The former, the statesman of Poonah, was a soldier at Assaye, — the latter, the statesman of Delhi, was a soldier at Deeg. (*Loud cheers.*) Having mentioned Mr. Elphinstone's name, he might well pursue the parallel between these distinguished men, for in very many points the resemblance was striking, but that the attempt would lead him to too great length; on no one point however did they more especially resemble each other than in princely liberality and remarkable amenity of disposition and manner to all classes. It was," said Captain Taylor, "my good fortune to be present at the entertainment given to Mr. Elphinstone at Bombay, when that gentleman was then to quit India for ever, as Sir Charles Metcalfe is departing now, amidst the regrets, the tears, and blessings of assembled crowds. In respect to Mr. Elphinstone, it was then well remarked that he had given a useful lesson to all gentlemen who might hereafter rise to high stations in public life in India, by showing that universal kindness so far from being incompatible with dignified office, is sure to command universal good-will, and that in his own case it would yield him the rare felicity of relinquishing power without the loss of a single friend. (*Cheers.*) Unless I am greatly mistaken," said

Capt. T., "that rare felicity" is not less the portion of our honoured guest, than it was of Mr. Elphinstone.—for without I have misinterpreted the manifestations of public feeling here and elsewhere, of the hundreds present, of the thousands absent throughout India, Sir Charles Metcalfe has descended from his throne of power without the loss of a single friend.—(*Loud cheers.*) Captain. T. concluded by requesting the company to join him in drinking Sir Charles Metcalfe's health with all the honors — as "THE SOLDIER OF DEEG." (*Great cheering.*)

Sir Charles then rose, but would not "own the soft impeachment," and said that Captain Taylor had been partly misinformed upon the subject, although something of the kind certainly had taken place; however, it did not much signify as Captain Taylor spoke exceedingly well, and the company very vigorously applauded. Shortly after this the supper room was vacated, and we, who decidedly agree with Leigh Hunt, that all writers

—who would cherish their powers

And hope to be deafless, must keep to good hours; took our departure instantly as did many others of the *élite*! Dancing, however, was resumed and carried on — we know not to what hour. Perhaps they are dancing still.—*Hurkaru, Feb. 15.*

## REPORT OF THE GENERAL COMMITTEE IN AID OF THE SUFFERERS BY THE GREAT FIRES IN CALCUTTA IN 1837.

By the publication of the Resolutions of the 9th, 12th, 15th, and 16th May last, subscribers were made aware of the mode of operation determined upon. The Committee, divided into several sub-committees, have patiently endeavoured to act up to those resolutions, and to observe the course of proceeding therein laid down: but they have been obliged to proceed with extreme caution and reserve, having from the first met with considerable difficulty from the desire shewn by many of the people burnt out to take advantage of the benevolence of the subscribers, from their apathy even in their own behalf, and from local considerations affecting individual cases. It has been found that many who solicited aid at first proceeded shortly to build huts for themselves, shewing that they were not in real distress. In several parts, especially in the districts of the town, under the first and second sub-committee's, there appears to have been little or no necessity to aid the personal efforts of the inhabitants themselves. The committee at an early date made an arrangement for furnishing tiles in any required quantity to the poor sufferers, a measure by which good materials were placed at their disposal at an uniform and reasonable rate; grants of tiles have been accordingly made to individuals on certificates from the sub-committee, instead of pecuniary assistance, and with beneficial effects.

Finding that the setting in of the rainy season rendered it impossible satisfactorily to carry on their operations, the General Committee resolved the execution of the main object of their association, the erection of tiled huts in place of those burnt down, until a more favorable state of the weather should enable them to resume it.

During the rains the plan pursued was to bestow assistance on such persons as were actually *without shelter*, to enable them to cover in their huts with any description of available materials, restricting such assistance to those who were in real distress, and only granting the smallest sums necessary for the object. When the season permitted, the operation of tiling and of substituting tiles for the temporary thatching was resumed.

The committee avail themselves of this opportunity to explain their reasons for not making loans of large amount to individual sufferers: in the first place no applicant for a loan has yet offered any sort of security for the repayment of the money, or for its being made good in case of their decease—besides which, the terms of repayment offered by such individuals, are small instalments

by the month, extending the period of repayment over one two, or three years; an arrangement obviously inconvenient and difficult to be entered into on the part of the committee, especially when it is remembered that the money subscribed was for the benefit principally, if not entirely, of the very poorest class of sufferers, and not for those whose situations in life secure them comfortable salaries, by means of which loans might be effected in the ordinary way, without application to this committee.

But the principal consideration with the committee is, that although previous to the rainy season their outlay was not very considerable, owing to the causes above assigned, yet as the rains approached and set in, the people without shelter became more desirous of entering into the views of the General Committee, and latterly the applications for assistance became so numerous, that, after the personal observation which most of the members have had of the extent of distress among the poorest people still remaining to be attended to,—the general committee are persuaded they will require the whole of the means at their command for distribution among that class of the sufferers alone.

Early in January 1838, a sub-committee was appointed for the purpose of enquiring whether it might not be possible advantageously to lay out the remaining funds in the erection of lines of tiled huts, across spaces generally occupied by thatched huts, or in tiling small clusters of thatched huts, still found in spaces chiefly occupied by tiled huts. The sub-committee was composed of the following persons: D. McFarlan, Esq., Capt. R. J. H. Birch, Capt. F. W. Birch, Dr. Vos, Capt. Viss, Baboo Russomoy Dutt, Rustomjee Cowjee, Esq., Mr. Balston, Mr. Lindstedt, and Baboo Ramdhons Ghose; and they reported that after having inspected a considerable space occupied by native dwellings in the neighbourhood of Fenwick's Bazar, the Free School, Collingah, and Dhurrumtollah, they were unanimously of opinion,

"1st. That the funds at our disposal would not enable the committee to adopt the course proposed in the first alternative in more than one or two considerable spaces occupied by thatched huts, and that the appropriation of the money to such lines would be to give pecuniary advantage to individuals not standing in need of it and generally to appropriate to special localities selected (referring to the time and labour we have to bestow on the subject) mainly by chance what was in-

tended in the first instance for the relief of the poor in whatever part of the town they might happen to reside.

"21. That it would be proper to adopt the 2d alternative proposed in the resolution in all cases where the sub-committees considered it desirable. It will ordinarily be found that the inhabitants whose huts are proposed to be tiled, will willingly execute the improvement on being furnished with tiles, and in general we think the gradual appropriation by the sub-committees of the funds at our disposal to such cases, and those of great poverty, or in other words, a continuance of the plan hitherto followed by the sub-committees would render, under all the circumstances, be the best course to adopt."

In these sentiments the General Committee concurs, and it is accordingly resolved to proceed as heretofore till the sum remaining in hand shall be entirely distributed on the plan originally laid down.

Subjoined is a statement of what has been done and of the present amount of the funds.

J. GABOORY VOSS, M. D.

Cal., Jan. 26, 1838. Secy. District Charitable Society.

Divisions.	From the General Committee.	Division Disbursements.						Numbers of persons or families assisted.	Number of tiles given.	Number of huts tiled.		Number of huts in progress.	Number of huts remaining to be tiled.
		Amount of money given in charity.	Amount of money given to build huts.	Contingencies.	Balance in hand.	Numbers of persons or families assisted.	Number of tiles given.			Number of huts tiled only.	Number of huts in progress.		
1st Division.....	0	0	0	0	0	0	0	0	0	0	0	0	0
2nd Division.....	50	0	0	0	50	0	0	0	0	0	0	0	0
3rd Division.....	11,736 14	0 7,163	0 4,567 14	0	6	1,740	93,065 575	285	493	285	0	31	0
4th Division.....	1,500	0 515	0 526	0 67	392	347	Including orders 93,065 575	572	34	572	150	1,000	0
5th Division.....	4,150	0 666	0 3,466 11 9	0 92	125 4 3	292		0	229	0	10	0	0
6th Division.....	1,338	5 3 101	0 1,217 4 0	0 0	20 1 3	163		61	61	19	0	0	0
	18,775	3 318 445	0 9,577 13 9	159 0	593 5 6	2,532		817	876	160	1,031	0	0

Subscriptions advertised to 17th March 1837.. 13,654 10 8  
Deduct receipt No. 106, twice inserted..... 50 0 0

Government donation.....	13,604	10	0
The Right Honorable Lord Auckland, G. C. B. &c. &c.....	20,000	0	0
Kirk Collections.....	1,000	0	0
St James' Church.....	2,280	12	5
Old Church.....	100	0	0
St. Stephen's Church, Dum-Dum.....	511	3	9
Cathedral.....	81	14	0
St. Peter's Church.....	488	8	9
Select Vestry, lapsed pensions from John Barretto's charity.....	336	8	0
Howrah church.....	2,234	10	0
Principal Roman catholic church.....	981	14	6
From John Barretto's charity through Dr. St. Leger.....	466	2	7
Dyce O. Sombre, Esq. through ditto ..	2,234	10	8
Colonel J. Caulfield.....	500	0	0
Lieut. R. G. MacGregor.....	100	0	0
Kearchand Roybun.....	50	0	0
Seetaram Jewanram.....	25	0	0
Poorunchund Moolchaund.....	25	0	0
Hanjaremul Hemutram.....	25	0	0
W. P. Grant, Esq.....	25	0	0
Narain Persaud Bullbloss.....	50	0	0
Colonel D. McLeod.....	200	0	0
J. L. Russell, Esq.....	100	0	0
R. J. Bagshaw, Esq.....	50	0	0
T. Barlow, Esq.....	100	0	0
Baboo Gudadthur Mitter.....	25	0	0
H. Colquhoun, Esq.....	50	0	0
Archd. Sconce, Esq.....	50	0	0
Baboo Hurrochander Bose.....	25	0	0
Baboo Nundgopaul Bhutachargae.....	5	0	0
Baboo Rajchunder Sen.....	2	0	0
Ramrutton Gupto.....	1	0	0
Baboo Narain Dutt.....	1	0	0
Baboo Nilmoney Gupto.....	2	8	0
Baboo Ramcomar Bose.....	2	8	0
Baboo Gunganarain.....	2	8	0
Baboo Budden Mitter.....	1	0	0
Baboo Koonjoobeharry Mitter.....	50	0	0
Baboo Ruggooram Gossain.....	100	0	0
J. S. Smith, Esq.....	20	0	0
R. Scott Thomson, Esq.....	16	0	0
Samuel Smith, Esq.....	16	0	0
C. Brownlow, Esq.....	4	0	0
Mr. T. E. Thompson.....	8	0	0
Messrs F. Burkiyoung and Co.....	16	0	0
Mr. W. Grant.....	4	0	0
Mr. T. Ostell.....	8	0	0
Mr. T. Black.....	4	0	0
Mr. Lowrie.....	5	6	0
Mr. H. F. Schneider.....	16	0	0
Mr. Jas. Jacob.....	10	0	0
Mr. L. Cooper.....	5	0	0
Mr. W. Price.....	1	0	0
Mr. R. W. Allan.....	6	0	0
Mr. J. Holmes.....	8	0	0
Mr. R. Campbell.....	16	0	0
Messrs. Hamilton and Co.....	100	0	0
Mr. T. Allardice.....	8	0	0
Messrs. Pittar, Lautey and Co.....	16	0	0
Messrs. Pittar and Co.....	20	0	0
Baboo Gopaul Mullick.....	20	0	0
Mr. W. W. Robinson.....	16	0	0
A. D. Parker, Esq.....	16	0	0
Cash through R. S. Thomson, Esq.....	20	0	0
R. J. Colvin, Esq.....	50	0	0
C. Dearie, Esq.....	50	0	0
H. Moore, through MacIntyre & Co.....	100	0	0



Baboo Woodychurn Pyne.....	1	0	0	J. Richards, Esq.....	50	0	0
A. St. L. McMahon, Esq.....	42	10	8	W. C. Hurry, Esq.....	20	0	0
C. Fagan, Esq.....	32	0	0	John Jackson, Esq.....	50	0	0
Mr. J. Spence.....	20	0	0	An old Neelwollah.....	5	0	0
A. F. Colvin, Esq. Allahabad.....	150	0	0	J. Abbott, Esq.....	20	0	0
G. F. Brown, Esq.....	100	0	0	Baboo Cosinsuth Mullick.....	210	0	0
Mr. R. Smith.....	5	0	0	H. P. Bell Esq.....	20	0	0
Capt. H. B. Henderson.....	25	0	0	Baboo Sreenath Mookerjee.....	8	0	0
Baboo Bisambhur Sen.....	100	0	0	— Alexander, Esq.....	16	0	0
B. O'Dowda, Esq.....	50	0	0				
John Franks, Esq.....	50	0	0		47,679	2	8
R. Walker, Esq.....	25	0	0	Interest from Union Bank.....	261	1	9
J. Ranken, Esq.....	25	0	0				
T. Bracken, Esq.....	16	0	0				
A widow through the Rev. J. Charles..	16	0	0				
Baboo Kissen Mohun Dutt.....	5	0	0				
Brigadier E. Cartwright.....	50	0	0				

Co.'s Rs. 47940 4 5  
**J. GREGORY VOSS, M. D.**  
*Secy. Dist. Char. Secy.*

Hurk. Feb. 19.

## TRADE OF THE UPPER INDUS.

By CAPTAIN A. BURNES.

### Definition of Derajat.

1st. The country on the right bank of the Indus, below the salt range, till that river is joined by the waters of the Punjab, is known by the name of Derajat. It is so designated from the two principal towns in the tract, Dera Ghazee Khan, and Dera Ismael Khan. Derajat being the Arabic plural of the word Dera. The lower part of the tract, bears the local name of Sinde, and the upper that of Dāmūn (or border) from its bordering on the mountains of Sooleeman. The country itself is flat and in many places fertile, particularly in the vicinity of the two Deras; but to the westward of the river, even at a distance of a few miles, there are no wells, and the soil is entirely dependant on rain, and water from the hills, without which, there is no crop. On the opposite bank of the river in Leia, the Indus overflows to the east, and the land which is exceedingly rich, yields heavy crops, and is known by the name of "Cuchec." From Leia the great ferry of Daheersee conducts the merchant beyond the Indus into Deerajat, and as the mountains are crossed by caravan route that lead to Cabool and Candahar, and as it is here that the greatest of the Indian Caravans assemble before passing to the west, the Derajat is invested with a high degree of commercial importance.

### Caravan of the Lohanees, Camels, &c.,—Its Route.

2d. From Calcutta, by Lucknow, Delhi, Hanses and Bhawalpore: from Bombay, by Pallee, Becaneer, Bhawalpore, Multan: from Umratsir by Jung and Leia, and from Dhera Ghazee Khan itself on the south, by Bhawalpore; all these routes join at the small town of Drabund, about 30 miles west of Dera Ismael Khan. At this point, commences the well known road by the Goomul river to the pass of Goolairee, which is always traversed by the Lohanee Afghans, some of them enter the mountains higher up west of Tak, and also by an inferior pass named "Cheeree," lower down; but all eventually join, about 45 miles from Drabund. These people are pastoral and migratory, and many of them proceed annually into India to purchase merchandize, and all assemble here in the end of April, their families having wintered on the banks of the Indus, to pass into Khorasan for the summer. They effect this in fixed order by three divisions or "Kirees," which, I believe, simply mean migrations, and these bear the names of Nasseer Kharoutee, and Meeankhly, which is that of the branches of the tribes conducting them. The first is the most numerous, and with it, go from 50 to 60,000 head of sheep, but it is with the last, that Hindoo merchants and foreigners generally travel. The extensive

nature of the traffic will be best explained by observing that the custom-house books shew, that 5,140 camels laden with merchandize passed up this year, exclusive of those carrying the tents and baggage of the people, these are rated at the enormous number of 24,000 camels, the Nasseers having 17,000, the Meeankhly 4,000, and the Kharoutee 3,000. The tract which they pass, leads by broken rugged roads, or rather water-courses of the Goomul, through the wild and mountainous country of the Wuzoerees, but the Lohanees have arms and numbers to protect their property, and that of strangers. They all reach Cabool and Candahar by the middle of June, in sufficient time to dispatch their investments to Bokhara and Herat, and in the end of October as winter approaches, they descend with the same arrangements into the plain of the Indus, bringing horses, dyes, fruits, and productions of Cabool, in return for the goods of India and Britain. The channel of trade is ancient, for in the year A. D. 1505, we find the Emperor Baber campaigning in the Derajat, and stating that he had fallen in with Lohanee merchants, and plundered them of "a great quantity of white cloth, aromatic drugs, sugar (both candied and in powder) and horses," which are the very articles of trade in those days, though 332 years have since elapsed. It is due to the Emperor to state that if he then plundered, in his own difficulties, he afterwards clothed the Lohanee merchants in dresses of honor, when firmly established on the throne of Cabool.

### Other Caravan routes from India.

3d. Having given the routes of the Lohanee caravan, I ought now to note the whole of the other roads leading from India to Cabool, but it would be impossible to do justice to the subject by any verbal description. There are three great roads leading from India, the first by Lahore and Attock, the next from the Darajat (already described) and the last by the Bolan pass, from Shikarpore to Candahar, intermediate to these lines lie various routes, some of which have been used even by large bodies of armed men, and, though, therefore, very important, need not detain us here, as they are not at present used by the merchants. I may only observe of that leading from Dera Ghazee Khan across the Sukhee Sarwur pass, by Boree, to Candahar, that it has been used in modern times by the kings of Cabool, to supply the luxury of mangoes, and that I met persons who had seen the fruit arrive by it at Candahar from the Indus, in 8 or 9 days. The climate of Goree is described in very favorable terms, both by Mr. Elphinstone, and all the natives I have interrogated; and by this route Baber passed up to Ghuzni with his force after the campaign of 1505, already alluded to. His horse suffered from the

want of grain, but as a caravan route, this seems not inferior to the Golairae pass, and only to have been deserted of late years; and at the present hour is used by couriers Coasids to bring speedy information to and from India. From Dera Ismael Khan, north to Peshawur, there is no direct traffic. The roads are bad, the people are predatory. From Dera Ghazee Khan, south by Dajel and Her and, there are roads leading over low hills to Bag Dadur, and the Bolan pass, which have been used by large Caravans within these 25 years. Dera Ghazee Khan, indeed, and shikarpoor, as I stated when writing on that mart, are always spoken of by the people, as two gates of Khorassan.

#### *Dera Ghazee Khan described.*

4th. In a neighbourhood so advantageously situated, the merchant exports the native productions of the soil with profit, and the manufacturer converts them, and the imports from other countries into cloth which accompanies these and the foreign goods that pass through it in transit. Dera Ghazee Khan itself is a manufacturing town, but it is surpassed by Multan and Bhawalpoor, which are in its neighbourhood; on these two marts I shall be silent, as their commerce has engaged the attention of Lieutenant Leech, whose reports will convey every and the fullest information of Dera Ghazee Khan. I need only speak at one time, its trade with the west and even with east, was brisk, and though it does not now exhibit its former prosperity, from the great influx of British goods, its native manufactures are yet healthy and thriving. It is celebrated for its goodbudden and duriees, or striped and plain silken cloths, which being sought for, and admired, are yet annually exported to Lahore and to Sind, and considered to surpass those of every other country. To the east it sends its silks, deriving the raw material from Bokhara, and the west. To the west it sends its cotton, and the greatest of its exported manufactures, is coarse white cloth, which is sent to Khorassan, and yet stands its ground with English cloth, as far as demand goes, though far its inferior in quality. The demand for British calicoes has decreased by one of this year; on this account last year, the sales effected amounted to 50,000 rupees, and for this, it is under 24,000. Chintzes of different descriptions, with soosies, balts, and some coarse loongees, complete the list. There are no woollen manufactures. The value of all these may amount to about one and a half, or two lacs of rupees, and the greater part is exported. A coarse kind of cutlery, swords, scissors, knives (such as are used by sailors) is made at Dera Ghazee Khan and exported. The bazar consists of about 1,600 shops; 630 of which are engaged in weaving and selling cloth. I annex a list of them. The Town has a prosperous appearance, which is a together attributed to the protection of Monsieur Ventura, who was lately in charge of this district. It may have a population of 25,000 people. It is said to have been built by a Belooch about 300 years since, and its name long fluctuated between "Ghazee Khan," and "Hajee Khan." It was completely subject to the crown of Cabool, and fell into the hands of the Sheiks, about 25 years ago. They farmed it to Bhawal Khan, who had no interest in protecting it, and his officers were guilty of gross extortion, but since it was resumed in 1832, it has greatly recovered itself.

#### *Productions, Prices, Revenues of Dera Ghazee Khan.*

5th. The country around Dera Ghazee Khan is very rich; the town is pleasantly situated in a flat country about four miles from the Indus and surrounded by gardens and lofty trees, among which the date predominates. It is said indeed that there are 80,000 date trees around Dera. By far the most valuable production of the place is Indigo, 2,000 maunds of which were this year exported to the west. I am informed that this is the full resource of the district. The best sort now sells for 65 rupees per maund, the next for 50, and the most inferior for 32, so that this export alone amounts to

about one lac of rupees in value. The dye is inferior to that procured in Bhawal Khan's country, but it is cheaper and has a ready sale in Cabool and Bokhara, besides being nearer at hand. The cotton of Dera Ghazee Khan is superior, being soft in staple, 25,000 maunds are procurable, it is at present exported. Sugar is cultivated, but in small quantities, and only of late years.—The place is rich in grain, the wheat and barley are superior, but the rice is red and indifferent. The price of grain in June 1837, was as follows, the currency being that of Shooja Ool Moolk, and much the same as the Company's rupee, and the maund as that of Shikarpoor already described.

Rice per maund of 40 seers, 80 rupees	
to a seer.....	3 Rupees.
Rice, 2nd sort, 1½ maund.....	2 to 1½
Wheat, 1½ maund.....	1
Gram 70 seers.....	1
Dal, or Mohree, 2 maunds.....	1
Moong, or Mash, 50 seers.....	1
Ghee, per maund.....	8½
Oil, per ditto.....	4
Salt per ruja, or piece of 1 maund 25	3½
Native salt, 2 maunds.....	1
Goor or molasses.....	3½
Sugar candy per maund.....	26

Under Cabool, Dera Ghazee Khan yielded a yearly revenue of about 12 lacs of rupees, it now produces 8½ or 9 lacs, and that only within these two or three years.—The country which gives this includes the district of Sungur on the north, and Hunand Dajel on the south, also Bachees across the Indus. It is farmed to the same person who is now Governor of Multan, and it is improving daily. The number of villages around Dera Ghazee Khan is exceedingly numerous; they are nearly all peopled by Mahomedans, and in the town of Dera Ghazee Khan the two tribes are about equal, there being in it 125 Hindoo temples and 110 mosques, great and small, every description inclusive.—The duties leviable in Dera Ghazee, on all sales of cloth are, 1 pice per rupee, which paid at the Custom-house (Chunootra) immediately after the transaction. This is called the old tax mohool (qudeemee) and paid by citizens, —foreigners pay double.

#### *Communication and Transits to and from Cabool, &c.*

6th. Dera Ghazee Khan communicates with all the countries around it, by good roads except those to the west, where it is necessary to qualify that term: a list of the marts or places of note may not be useless, and I may prefix to it that goods of every description, quitting Dera Ghazee Khan, pay an *ad valorem* duty of 2½ per cent. to Asnee, Hunund, Cutch Gaudava, Mitthen, Shikarpoor, Bhawalpoor, Khypoor, Ullah Yar, Hyderabad, Multan, Lahore, and Umritsar, all merchandise whether cloth or groceries, is taxed in this manner. But since the most important route in this line is that of the great caravans to Cabool, I shall particularize the duties there leviable. At the outset, the first charge is as above.

<i>Ad valorem</i> .....	2½ per cent.
At Sungur, per maund .....	13 annas.
At Kot Tuga, per camel....	2 rupees.
At Drabund, do.....	2 ditto.
At Tuk Sewaree Khan ditto..	2 ditto.
At Sooleemad Khuei, ditto..	1 ditto.
At Ghuznee, per camel.....	8 ditto.
At the gate of Cabool "Goo-shi" or ear tax per camel.....	2 ditto.

Landed at the caravanseries of Cabool, one in forty is taken in pieces of cloth; Indigo, and groceries are compounded for, at 20 rupees per camel load. This is the whole duty of the road. In effecting sales, a brokerage of 1 per cent. is paid, and another rupee is expended in

caravanaria hire and portorage. On returning from Cabool the duties are as follows on quitting the city.

Ad valorem.....	1½ per cent.
At Drabund per muu of every kind (if to any but a Shikarporee, the charge is 10 rupees).....	6 rupees.
At Dera Ghazee Khan per man if advanced from this....	10 annas.
At Bhawal Khan's frontier per camel.....	3 rupees.
At Bhawalpoor (though the u-al route here is via Multan).....	3 to 5½ per cent.

Nothing therefore is more complicated in appearance than these duties; and one is surprized at the novel mode of weighing cloth and levying duties accordingly. The Hindoo merchant of Shikarporee, it will be seen, has a great advantage over the Mahomedan, which arises from its being advisable to give encouragement to a great dealer. The duties in conveying goods to Khorassan are heavier than in returning, probably from the greater value of the articles: the expenses of an investment to, and from Dera Ghazee Khan, to Cabool, and Candahar, are rated at 35 per cent. the profit in excess is calculated at 25 per cent. and this is generally realized. From Dera Ghazee Khan, to Drabund, 90 coes, the hire of a camel is 3 rupees; from that to Cabool, it depends upon the supply, varying from 20 to 30 rupees per head.

*Of Dera Ismael Khan, its Trade, Revenue, &c.*

7th. Dera Ismael Khan, is in these parts next in importance to Dera Ghazee, but is only a third of its size, and labours under disadvantages from its position. About 12 years ago, the town was washed into the Indus, and on a new site about three miles from the river, the inhabitants have again fixed themselves. Till lately the place was held by a Mahomedan Chief, who laid out the new town with order and regularity, having wide streets and a good bazar, but the Sheiks possessed themselves of Dera Ismael, a year ago, and are not likely to work out his plans of improvement, as yet the houses are built of sunburned brick, and the town has an deserted look, but it is said to be a place of much stir and bustle in the winter, when the Athgans return from Khorassan to its neighbourhood. There is a large caravanaria in it, where they transact their business and dispose of much of their goods, for Dera Ismael is their bazar town. It contains 518 shops, but there are no native manufactures here, as in the Lower Dera. The wool of the Lohanee sheep is not sold here, but in Cabool, where an agent, if dispatched, might procure the article in abundance, and, at the same time, the means of transporting it. The transit of coarse white cloth from the Panjab through Dera Ismael to Drabund is great, amounting to no less than 3,000 camel loads a year. Each package contains about 600 yards of cloth, the guz and English yard being the same, so that we have an export of 1,800,000 yards of this fabric. It is manufactured at Meegana, Jung, &c. also at Rohan, and might be made in Britain. Most of these goods are crossed at the ferry opposite Dera Ismael, and pay much heavier duties than lower down; 2½ rupees being exacted on every maund of weight, while 7 to 10 annas is the demand at Kaheeree, which readily accounts for the caravans crossing at that ferry. The revenue of Dera Ismael Khan amounts to 4½ lacs of rupees per annum, of this 2 lacs and 8,000 are derived from the taxes and town duties from Kaheeree south, to Eesa Khyl north, and the rest from the lands subject to Dera Ismael Khan. Grain and the necessaries of life are more expensive than in the Lower Dera, the supplies are also received by the river from Murwat which is a grain country.

*Water Communications—Boat-hire.*

8th. The Derajat, as I have stated lies along the Indus, and the advantages of the river are so obvious a even not to have escaped the people. The productive soil of Sungur, 50 miles to the north, under the hills from which that district is watered, supplies more wheat

and grain than is required, and it is therefore shipped for Dera Ghazee Khan, which contributes still further to keep down the price of provisions at the town. The salt of Kala Bagh a also used all along this line of the river, and brought down by boats, but a few cargoes of it supply the population. The pilgrim boats likewise take in a little cargo, for which I find there is a regulated charge, but as this is unknown to Government, it may be considered a kind of smuggling. So organized however is it, that a weight of 8 maunds may be sent down to the following rates—Dera Ghazee Khan to Mitthen 2 rupees, to Shikarpoor or Roree 6 rupees, to Schun 7 rupees, to Hyderabad 9 rupees, and to Gora Barre 12 rupees, all this is indicative that there is a channel of trade by the Indus. The only instance however of upward communication, of a late date, is in a Shikarporee merchant freighting a vessel with molasses or goor from Dera Ghazee, to Dera Ismael Khan, about four years ago, and bringing salt in return. The cold season was selected, and the voyage performed in 15 days, the distance being about 160 miles; the down ward voyage occupied four days. The speculation was profitable, and the same merchant has since forwarded goor to Shikarpoor. At the opposite season it may be as well to state, that the voyage from Mitthen to Dera Ismael Khan, was made in 19 days, during May and June. The road distance, is about 250 miles, perhaps a quarter more by the river, and as the swell is near its height, the result in a commercial point of view, is encouraging. In navigating the Indus above Mitthen it will not be omitted in the calculations of the merchant, that both men, and boats may be hired for one half the sum paid in Sind. The contrary of this is stated in my printed work, and I am glad of an opportunity to correct the error after finding it out by actual experience.

*Camp at Attock, 6th August, 1837.*

THE BAZAR OF DERA GHAZEE KHAN ON THE INDUS.

	Nos. of Shops.
Sellers of cloth.....	115
Sellers of silk.....	25
Weavers of white cloth.....	128
Weavers of silk.....	112
Cleaners of cotton.....	25
Sellers of cotton.....	17
Dealers in grain.....	219
Boot and shoe makers.....	55
Ditto Hindoos.....	25
Cap makers.....	15
Tailors.....	50
Butchers.....	15
Dealers in vegetables.....	40
Dealers in fruits.....	32
Dealers in milk.....	30
Confectioners.....	75
Cooks.....	40
Hakeems.....	10
Grocers passares.....	30
Dealers in ivory, glass, &c. mummyaur.....	30
Black smiths.....	45
Cooper smiths.....	25
Jewellers.....	60
Cutlers.....	12
Tinners.....	9
Shroffs.....	30
Saddlers.....	20
Washerman.....	50
Painters.....	15
Dealer in tobacco and bang.....	30
Dealer in salt and mate.....	12
Pipe sellers.....	18
Paper sellers.....	18
Shops shut up and consequently unknown.....	165

Total...1,697

*Dera Ghazee Khan, June 13, 1837.*

*Govt Gazette, Feb. 12.]*

## A PETITION TO GOVERNMENT.

We have been informed, that a petition, very numerously signed, the signatures being native, has been recently, within the last day or two sent in to Government. The prayer of which is that measures be taken for the institution of schools to be devoted exclusively to the study of Sanscrit, as a foundation for the formation of one general language, consolidating or superceding the various dialects of Bengallee which now obtain. This petition, which has been handed over by Government to the Education Committee, is worthy, we understand, of serious attention, from the great number of its signatures, amounting, we are told, (for we have not seen it) to thousands, and must be taken therefore to be the expression of opinion prevalent with respect to the great evil now to be deplored, i. e. the want in Bengal of one fixed and generally understood language, having one known character and common to all classes of the inhabitants of this vast and fertile district. The answer of the Government to this petition will be of much interest. Here is a clear admission that in the opinion of many, there is an absolute and crying demand for a national language; we presume, however, that the objects of the petitioners will not be carried into effect; and for many reasons. The new language founded on the Sanscrit, or rather regulated by it, and consisting as we presume it would of a consolidation of the Bengallee dialects, improved by a larger infusion of Sanscrit than is now traceable in the Bengallee, would be to the many an unknown tongue, and would be open to all the objections now raised against the Persian on this score and to more besides. The Persian is not an unknown tongue; it is on the contrary as familiar as Hindostanee, to a very large portion of the educated Hindoos, and to all or almost all the Mahommedan subjects of Empire. To all that portion, in short, of the inhabitants of the country likely from their position, rank and property to constitute the principal sitters in the Courts of Justice, or likely to be called on to fill situations as officials in these Courts. The only class not likely to know Persian are the lower classes of traders, and the ryots, by far the most numerous, of course, but inasmuch as the new language proposed by the petitioners would be a sealed book to them, to the same extent that Persian now is, we do not see what they would gain by the change. And to the Mahommedan inhabitants, the substitution of the new language for Persian would be a positive evil, as great, as the present measure of Government, the substitution of the vernacular in Bengal for Persian. To the poorer class of the population of Bengal, we fear that the present state of education considered, the language of the Courts of Justice must for a long time to come, remain an unknown tongue, be it Persian, or be it an improved modification of the Bengallee on the Sanscrit model. We are told, moreover, that the people themselves if polled, would be found perfectly indifferent to the change. And that to the majority, the Roobicarry, &c. of a Court of Justice, is about as intelligible in Persian as it would be in Bengallee. The knowledge of the written language in the majority of the poor classes being confined to the limited, familiar and colloquial phraseology, appertaining to the dealings and transactions of their particular calling—and comprehending necessarily but a small section of the words, expressions, and idiom constituting the language itself. That the result therefore of their evidence should be taken down in Persian in a Court of Justice, or written out in Bengallee or Oordoo must be, we suppose, a matter of indifference to them; they must under any circumstances confide in the fidelity of the scribe, without having any control over his version of their deposition; and if the scribe be disposed to falsify evidence, he can write one thing for another in

Bengallee as well as in Persian, the only difference being that he will be about three times as long in taking down the evidence in Bengallee, as it would have taken him to do it in Persian, with the additional advantage of there being fewer persons capable of understanding what he may have written. In either case the poorer classes, as it appears to us, gain nothing by the change. The proceedings are lengthened by it; the Mahommedan population alarmed and displeased at it; and the labours of the officials about trebled by it, and rendered less efficient withal. Under the present system, by which the exertions of the Civilian are taxed, beyond the power of performance in very many offices, all that he could do is to exercise an active supervision over his subordinates—for the most part of course natives—as it is, it would appear, that with all the brevity and simplicity of the Persian it is generally admitted, that he cannot check the propensities of his Umlah, &c. to deceive him, and the suitors. How, we will ask, will this supervision in the superior be carried on, when he shall come to have the proceedings of his Court, written in Bengallee or Oordoo? by which his labours of inspection will be increased nearly threefold; and his attention will be called to instruments, and the minutes of the transactions of the day, written in a character infinitely more complicated than the Persian, and in which in nineteen cases out of twenty, we will venture to say, and we speak on the information of persons well knowing the fact, the Civilian himself, is less well read than in Persian. The correspondents of the *darbar*, X. Y. Z. to whose letter the latter of these observations in some sort apply, has one singular enough argument, upon which he grounds his advocacy of the abolition of the Persian, i. e. that any deficiency, or omissions or mistakes in a Persian document may be concealed from the facility of changing one letter or phrase into another. Now if the credit of the functionary is to depend upon the falsifying of documents, at his pleasure or necessity, to answer the exigencies of a particular case, and that this system of substitution and forgery is the general rule of conduct of officials; it appears to us a matter of indifference in what language the proceedings of the Courts are carried on; because roguery of this sort can be practised in any written character, whether written in a sort of short-hand like the Persian, or in good honest vernacular, such as English or Bengallee. And as the Bengallee character is less generally known than the Persian, we presume detection would be more difficult. This argument, however, if such it must be called, is surely an argument from a particular circumstance, to a general conclusion. Persian documents may have been falsified in some few instances; but the general rule we must presume is that they are not falsified; and to make any thing of this argument it ought to be shewn, that public functionaries generally, are in the habit of concealing gross negligence, by the alteration of the proceedings of their Courts, after they have been registered and signed; and that the practice will be put a stop to only by the substitution of the vernacular for Persian, which vernacular cannot by the same falsifying process be made to exhibit the same result, i. e. the falsification of a document. This is, if we understand the correspondent of the *Hurkar*, the amount of his argument in favour of the vernaculars; and we need not say, that to us it appears in the light of nonsense. We do not at all question, that under the the present system, the ends of justice have frequently been frustrated by designing officials; but that the use of the Persian is to be held the cause, we cannot admit—corruption must be laid to the door of the system, and not of the language. The mode of taking

evidence alluded to by X. Y. Z., and liable, as he states, and we believe states truly, to so much abuse, is in itself vacuous—a mere farce, by which it is pretended that the witness is examined *coram judice*, when in point of fact the deposition presented to the Judge, may or may not be the man's evidence. But this evil cannot be cured by the substitution of one language for another. A *vide facie* examination by the magistrate would obviate this evil, but this the press of business does not admit of. The only check then is in the improved morality of the native scribe; which is not much affected, we pre-

sume, by the character in which he writes, be it Bengallee, Persian or English. In conclusion, we will ask any body whom it may concern, how many Civilians or natives fit for employment, or capable of carrying on the current business of the country, can write a Roobicarry in the Bengal vernaculars? For that is the question which most presses at present, and is more germane to the measure of substitution than the query of the *Hurkars* about Bengallee and the understanding of the "great bulk of the population."—*Courier*, February 23.

## SUPREME COURT.

THURSDAY, Feb 1.

(Before Sir Edward Ryan and Sir J. P. Grant.)

**CONYLOLL V. POOROSOTHUN DOSS AND ANOTHER.**

In this case the bill stated that in 1818, three partners, Toolseram, Mohunloll and Seeteram, possessed establishments as bankers and traders at Patna, Calcutta, Mirzapore and Cossimbazar. The first mentioned partner was entitled to a six-anna share, and the other two, who were brothers, to the remaining ten anna share. After the death in 1818 of Mohunloll (who left only a widow surviving a short time) the business was conducted by the two other partners. Seeteram died in 1820, leaving three sons, one of whom died without leaving any widow or issue, and the other two, Poorosothun Doss and Narain Doss are the defendants in this suit. The survivor of the three original partners, died in 1821, leaving an only son, Conyloll, the present complainant, who attained his full age about 1830. The bill alleged fraud during the minority of Conyloll, misappropriation by the defendants of a sum amounting to four lacs, and a falsification of the partnership accounts, whereby a balance was falsely stated against the complainant. The prayer of the bill was that an account might be decreed, and the title of complainant declared to the original six-anna share of the partnership property.

A plea was filed by the defendant, setting forth an instrument bearing date January 1834, whereby the parties had agreed to a reference to three arbitrators. The plea further alleged that a prior parol agreement between the parties, directing the payment of certain sums of money and settling the respective rights of the parties, was produced before the arbitrators, who made their verbal award, in February 1836, by which the above agreement was adopted and carried into effect as their solemn award.

This plea having been set down for argument, the case now turned entirely upon its validity.

*Mr. Clarke and Mr. Leith* for the defendants.—It is difficult to conjecture what precise ground of objection is intended to be raised against the plea. This is, in effect, a plea in bar of a verbal award, made by arbitrators duly appointed; and *Cox v. Macclesfield*, in Dyer's reports, establishes the validity of a verbal award. Then the plea covers the whole bill, because the prayer of the bill is confined to the property which is the subject matter of the award. As to the prayer for a discovery,—the right to a discovery is dependant on the title to relief and this plea expressly negatives such title.

The *Advocate General* for the complainant.—The objection to this plea is matter both of form and substance. Although the bill distinctly alleges fraud against the defendants, these allegations are not met either by plea

or answer. It is quite immaterial whether the instruments set forth be called an award or a release; probably the latter term is more correct; but whatever it be, if fraudulent, it cannot be supported. Now fraud positively alleged in the bill, and not being positively contradicted by the plea, must be taken to be admitted. There ought to have been an answer positively negating fraud. The case of *Wright v. Proud*, 13 Vesey, lays down the general principle that a transaction will be set aside between parties standing in a certain relation to each other, as guardian and ward, or trustee and cestuique trust, whenever the transaction has arisen out of the influence of that relation. Such has been the case here, and such the relative position of the parties during the infancy of the complainant. But the case chiefly relied upon is *Roache v. Morgan*, 2 Scholes and Lefroy, where it was held that where fraud is alleged a release pleaded does not prevent the Court from decreeing a new account, unless the defendant by his answer fully meets the charge of fraud; and it is declared to be immaterial that the bill itself does not state the release. This brings the case precisely within the analogy of the present.

*Mr. Cochrane* on the same side.—It is a general principle, which requires no authority, that the right of parties cannot be barred either by a reference to arbitration or by release, until a full and true account has been rendered. Now it is admitted here that no account has been rendered at all. But further, a distinct and specific charge of fraud is made out. The books relating to the partnership accounts are alleged to have been tampered with and falsified and to contain fraudulent and forged entries, by means of which a balance is falsely made out against the complainant. Now these are the very books which were produced before the arbitrators, and upon which their award was founded. That award, therefore, must be void. The case of *Helps v. Sproule*, 1 Mylne and Keen, decides that a plea of a settled account is no bar, unless fraud is negated, and according to *Walker v. Simons*, 3 Swanston, protection is to be extended after the party has attained majority until proper information has been obtained.

*Mr. Clarke*, in reply.—The case of an award stands upon its own peculiar grounds, and is not touched by any of the arguments advanced or the authorities cited. It is to a certain extent equivalent to a judicial decision, *Pitterson v. Peut*, 3 Ark., and it is final and binding upon all the parties unless impeached by fraud and collusion on the part of the arbitrators. Now there is no presence or allegation whatsoever of such misconduct in this case.

*Sir E. Ryan*—Would it not be a good ground for setting aside an award that it had been made upon the authority of false and fraudulent documents?

*Sir J. Grant*—It surely is law that an award is vitiated by fraud not only when practised by, but also when practised upon, the arbitrators!

*Mr. Clarke*—This is admitted. But in such a case it would be necessary to set forth all the particulars of the alleged fraud, and to connect them with the award. The bill must be brought expressly to impeach the award and not attempt to get rid of it in this vague and indirect manner. How are the allegations of fraud, connected in any way with the award? It does not appear on the face of these pleadings, but that all the circumstances of the case were fully before the arbitrators; so that even if the books were falsified to any extent there might be other evidence produced before the arbitrators, quite sufficient to enable them to arrive at a just decision. An award is of the same force as a judgment or decree, and a plea of judgment recovered would surely never be held bad upon a simple suggestion—a vague assertion that there had been prior fraud. It would be necessary to connect that prior fraud with the subsequent judgment, and shew expressly how it influenced such judgment. That is not done here. From the circumstances, therefore, of the present case nothing more can be inferred than the existence of fraud at some prior period; nothing is shewn to affect the validity of the award. The Court, after a short consultation, postponed judgment.—*Hurkaru, Feb. 2.*

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SATURDAY, FEB. 3 1838.

This was the last day of term, but the last cause on the board having been heard on Friday, the Court only took common motions and rose at an early hour. Judgment has not yet been delivered in the appeal case from the Insolvent Court, and some other cases argued during the present term.

*Mr. William White Burkinyoung*, who arrived from England last week, was admitted an Attorney of this Court.

Monday, (this-day) is the first day of the sittings. At present fourteen causes have been entered on the Plea side, and one on the Equity side.

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MONDAY, FEB. 5, 1838.

*Before Sir E. Ryan and Sir J. P. Grant—Sittings after First Term of 1838.*

*JOHN LUCAS versus GEORGE KALLONIAS and OTHERS.*

In this cause a motion was made on notice on behalf of *George Kallionias*, one of the defendants, against whom an *ex-parte* decree had been obtained, of the date of the 24th July 1837, for substitution of attorneys without payment of costs, and also to set aside the *ex-parte* proceedings on payment of all costs by the defendant's solicitor. The motion occupied the court the whole day, and excited great interest.

*Mr. Cochrane* for *Kallionias*.

*Mr. Prinsep* and *Mr. Leith* for the solicitor, *Mr. Shaw*.

The *Advocate General* and *Mr. Clarke* appeared to represent the interests of *Lucas*, the complainant in the original suit, but were not heard on this motion.

*Mr. Cochrane*, in support of the motion, put in affidavits of his client and the correspondence which passed between him and his solicitor, *Mr. Shaw*, to prove gross and culpable negligence on the part of the latter. In the early part of the correspondence *Mr. Kallionias* appeared to be labouring under the impression that he was not within the jurisdiction of the Court, and that there was a conspiracy to draw him within it; but it was alleged that at a subsequent period positive instructions had been given to the solicitor to put in an answer and proceed regularly in the cause. All the letters which passed on both sides were admitted, except two, alleged to have been written and sent by *Mr. Kallionias*, but

denied to have been ever received by the solicitor. *Mr. Cochrane* contended, that there was both direct and circumstantial proof of their receipt. Letters were read from the deputy post master general, and on affidavit of the Post Office peon, by which it appeared that two letters were received at the post office by the *Dacca* mail about the time in question, with the address named, and delivered accordingly. It was hoped that if these facts were made out to the satisfaction of the Court, the motion would be granted, and the defendant allowed to come in—and that the Court would not suffer him to be ruined without any dereliction of his own. The defendant was an ignorant man, unacquainted with the forms and technicalities of law, anxious to defend the suit, and furnished with a complete ground of defence, but barred therefrom entirely by an act over which he had no control.

*Mr. Prinsep* for *Mr. Shaw*, put in counter-affidavits of his client and of persons employed in his office, positively and expressly contradicting all the charges and especially denying the receipt of the two letters in question. It appeared, moreover, that several instances had occurred, and were specifically alluded to, where mistakes in the delivery of letters at *Mr. Shaw's* office had taken place. An offer of arbitration had been made to *Mr. Kallionias*, but rejected. As to his alleged ignorance of legal matters, it was proved that he had been in an attorney's office. Collateral affidavits were also put in, contradicting some of the matters sworn to by *Mr. Kallionias*, and throwing discredit on his statements. *Mr. Prinsep* was proceeding to answer the case as regarded the charges of corruption and collusion, contained in the affidavit of *Kallionias*, and asked what possible motive could be assigned for the conduct attributed to his client. A wild notion that all the world is conspiring to injure a man, is frequently a forerunner and index of incipient insanity!

The Court here intimated that as the only point in the case related to alleged neglect on the part of the solicitor, the charges of corruption must be abandoned.

*Mr. Prinsep* then went over the correspondence between the parties. The earlier instructions are so vague and contradictory that no one could safely act upon them. First, the party directs that the jurisdiction should be pleaded in bar; then that no answer should be put in at all; afterwards, that his solicitor should wait until he received further instructions. Nothing definite is contained in any of the letters admitted to have been received. As to the two missing letters, it is not denied that they may have been written, but only that they have ever been received. An agent is not to be mulcted in heavy costs because his client's letter has miscarried. But further, no proof is given of the identity of the letters sworn to have arrived about the time in question by the *Dacca* mail. Again the circumstance of an arbitration having been offered and rejected, is a strong presumption that the present application is not made in good faith. Surely the Court will not grant such a motion as the present upon such slender and unsatisfactory grounds.

*Mr. Leith*, on the same side, was not called upon.

*Mr. Cochrane*, in reply, admitted that the only point to which the case was now reduced, had reference to the receipt or non-receipt of the two letters in question. The evidence is sufficient to establish their delivery and receipt. If they had not been received, surely the solicitor would have written to enquire the cause of the delay, especially when the consequences to his client were so momentous. The case is not one merely of oath against oath—the whole line of transaction, the whole internal evidence of the case, bear out the statement of *Mr. Kallionias*. It is not a very usual thing for a single letter to miscarry by the general post, and it is a very strange coincidence that these two important letters should be successively lost. Again, it is a suspicious

circumstances that the solicitor's dak-book has not been produced, that it might have been examined in open court, to ascertain whether no entries had been made.

**Sir E. Ryan.**—A motion to change the attorneys in a cause without payment of costs, being contrary to the usual course of proceeding, can only be granted upon proof of fraud or gross-misconduct. The second part of the motion cannot stand on light grounds, but only on strong equitable circumstances; now the charges of collusion and corruption are abandoned, and the only question is whether a case of negligence has been made out. With reference to the whole admitted correspondence between the parties, no definite instructions whatever appear to have been given to Mr. Shaw, and he is not therefore guilty of any negligence in declining to act upon them. Then the whole question turns upon the two missing letters. Now here one affidavit is consistent with the other, for one party cannot deny that they were written nor the other they were never received. The proof derived from the circumstances of the cause is incomplete, and at all events can never amount to such a probability as to satisfy such a motion as the present. Unless a case is very clear, the Court will never summarily interfere, but leave the parties to their ordinary remedies.

**Sir J. Grant**, entirely concurred in opinion with the learned Chief Justice. Mr. Shaw has fully answered the charge of negligence, and no imputation rests on him whatever.

Motion refused with costs.

TUESDAY, FEBRUARY 6, 1838.

**ASSIGNEES OF FERGUSSON AND Co. v. DWARKANATH TAGORE AND OTHERS.**

The judgment of the Court in this case was delivered this day by the chief justice.

The case was argued in the third term of last year. The action was brought upon a policy of insurance for Rs. 50,000 granted to the insolvent; there was an agreement to prolong or renew the policy if required. After the insolvency of Fergusson and Co. the policy was renewed to the common assignee, who paid the premium when it fell due. The defendants in their plea set off a promissory note, drawn by Fergusson and Co. before their insolvency and indorsed to the defendants. To this plea of set-off there was a general demurrer.

The argument for the plaintiff's was, that the contract upon which the action is brought, is entirely a contract between the assignees and the defendants, whereas the set-off relates to a matter between the insolvents and the defendants, and that such a defence therefore amounts to setting off a debt due from one party against a claim made by another. To this the defendants answered that the assigners are entirely as the representatives of the insolvents, and that the renewal of the policy was but a continuance of the original contract and not an entirely new agreement. But the Court were clearly of opinion that the debt could not be set off, and that there must be judgment for the plaintiff. They cited the cases of *Cox v. Listard*, 1 Douglas Rep. *Evans v. Mann*, Cowper's Rep. *West v. Pryor*, 2 Bingham's reports.

Judgment for the plaintiffs.

**ROWLAND GRAHAM versus JUGGUTCHUNDER MOOKERJEE AND OTHERS, EXECUTORS OF SUMBHOOGHUNDER MOOKERJEE.**

This was an action for work and labour done, and for money paid by the plaintiff in his capacity of attorney for the testator. Judgment had been obtained for want of a plea, and evidence was now adduced to assess the amount of damages.

**Mr. Leith and Mr. Grant** for the plaintiff, were about to prove jurisdiction under the New Rules, but the Court said, that this was necessary only when the case was heard *ex parte* in order to obtain a judgment, and not after judgment by default.

The attorney's bills were put in and proved to have been duly taxed, and copies delivered to the executors who promised to pay the amount.

Verdict for the plaintiff for the full amount claimed sicca rupees 734.—*Hurk. Feb. 7.*

WEDNESDAY, FEB. 7, 1838.

*Before Sir E. Ryan and Sir J. P. Grant.*

**DYCE versus DYCE.**

**Mr. Prinsep** moved, that this cause should be set down *pro forma* on the Equity board, with the consent of parties, for the purpose of obtaining an order for the immediate trial of an issue of law therein. The ground upon which the motion was made, was, that the principal witness, Sir Charles Metcalfe, is about to leave the country immediately.

Motion granted.

**BRACKET versus BRACKET and BEEBEE PHKEY versus HURBANARAIN.**

In these cases heard *ex parte* yesterday, the Court intimated this morning that the parties could take nothing by their judgments against the parties in default, on account of the omission to give notice under the New rules to those of the defendants against whom judgment by default had been obtained, that damages against them would be assessed at the time of trial.

**DOR ON THE DEMISE OF THE EAST INDIA COMPANY versus RAJCOOMAR SEAT AND ANOTHER.**

*The Advocate General and Mr. Couchrane* for the lessors of the plaintiff.

This was an action of ejectment brought to recover possession of one cottah and eight chittacks of land, called the old Jorahbagaun thannah, in the town of Calcutta. In 1836, an ejectment had been brought for the same premises by the defendants against the present plaintiffs, who then suffered judgment to go by default, and in 1837, the defendants recovered Rs. 1,988 in an action for mesne profits. The Company claimed the premises by virtue of long and uninterrupted possession, but the defendants sought to establish ownership by shewing that their title had been acknowledged by the payment of rent.

Several thannadars and chowkeydars were produced as witnesses, and proved that the thannah had stood where it was for the last half century. This evidence was corroborated by *W. C. Blacquire, Esq.* who has been employed in the Police Establishment since 1789. On cross-examination, it appeared from this gentleman's evidence, that the assessments were paid by the owners of the soil.

**Mr. Clarke** (with whom was **Mr. Leith**) for the defendants, stated the grounds of their title. He would produce evidence to shew that the defendants were in possession of all the surrounding land, that they had continually paid the assessments for the identical property in question, and that they had received rent from the Company, who now sought to disprove their title. The receipts for rent unfortunately could not be produced, as in the year 1831 the defendant's cutcherry was robbed, and their ancestral papers and documents lost. Since the death of the father of the present defendants, it was admitted that no rent had been paid, by reason of the defendants being then under age, and the consequent

bad management of the estate during their infancy. But it was contended that the recovery of the rents and profits, in the action for mesne profits, was equivalent to receipt of rent.

*Captain F. Birch*, superintendent of police, was called as a witness, and proved the receipts for assessments from the defendants for the land in dispute. The collector of rents and other witnesses were called to prove payment of rent on the part of the Company; but it did not appear distinctly from their evidence whether the rent was paid for the thannah in question, or only for a cook-room attached thereto.

*Sir E. Ryan*.—There must be judgment for the lessors of the plaintiff. The proof of the defendant's title has been attempted to be made out; first, by proving that they have paid the assessments to Government, and secondly that they have received rent from the Company, for these premises. Now, as to the first point, it proves nothing. The assessments are made payable by the owners or occupiers of land, by a public Act, 33 Geo III c. 52, and no proof can be drawn from the circumstance that a house has been wrongly assessed. As to the second point, no rent has been proved to have been paid for the thannah, within the last twenty-four or twenty-five years, to the least, so that during that period there has been a continuing adverse possession against the defendants. The statute of limitations had begun to run during the lifetime of the ancestor of the defendants; it therefore continued to run notwithstanding their intermediate infancy.

*Mr. Clarke* then applied for leave to move the Court for a nonsuit, on the ground that the statute of limitations did not apply to Mahomedans and Hindoos at all.

*Sir E. Ryan*.—You can move, but we will not reserve leave, as the Court is quite clear on the point.

*Judgment for the lessors of the plaintiff.*

The next case on the Board is *Deo d. Jaun Babee v. Abdoullah Barber*.—*Hurkaru*, February 8.

THURSDAY, FEB. 8, 1838.

DYCE *versus* DYCE.

*Mr. Prinsep* applied to the Court for decretal orders, to consolidate the original and cross suits, and to direct the trial of more issues at law. This application was made on consent of all parties. The only two points, which required to be ascertained, were, 1st; whether a certain paper, purporting to be a receipt or acknowledgment was executed by the Begum Sumroo in her life. 2ndly; whether such document was delivered to the complainant in the original suit, as a receipt or acknowledgment.

*Mr. Clarke*, *Mr. Leith* and *Mr. Grant*, were instructed to consent on behalf of the other parties interested.

Order granted accordingly.

DOE ON THE DEMISE OF JAUN BREEKE AND OTHERS *versus* ABDULLAH BARBER.

*Mr. Grant* opened the pleadings in this action of ejectment. There were five counts, laying a joint demise by all the four lessors of the plaintiff, and a several demise by each. The premises sought to be recovered, consisted of a house and grounds appurtenant, and other land situated in Mangoe Lane and in Collingah.

The *Advocate-General* stated the case. The question turned chiefly on a Mahomedan pedigree. Kaloo Khansamah, the common ancestor, who died about forty years ago, left two sons and a daughter, of whom one son died unmarried, the other, Toraub, left representatives (who were the plaintiffs in this action) and the daughter married and left a son (the present defendant.) The

family of Toraub consisted of three widows and three children, one of whom had since died: two of the widows with the two surviving children, were the lessors of the plaintiff in the present action. These representatives of Toraub claimed two-thirds of the estate; because according to the rules of Mahomedan Law a brother is entitled to double the share of a sister (*McNaghten's Mahomedan law of inheritance*).

*Mr. Clarke* (with whom was *Mr. Leith*) for the defendant, did not dispute the pedigree of the plaintiffs. He should adduce evidence to shew, that Toraub, who was very young at the time of his father's death, had always lived extravagantly, and had never had done any thing to increase the ancestral state, that his mother had paid off his debts on several occasions out of her dower estate, that in lieu of the marriage settlement to which she was entitled, he had released his right to the property by a deed of gift. That the premises in Mangoe Lane were purchased under a bill of sale, in the name and with the money of the mother, and, finally, that she had duly executed a deed of trust, by which she conveyed the legal property shortly before her death to the present defendant.

Evidence to this effect was gone into great length. The deed of gift was held sufficiently proved by calling a subscribing witness, who being blind was unable to swear to his own signature, but proved, that such an instrument has been executed in his presence, and by adducing further evidence to shew, that the instrument in question had been uniformly acted upon. It appeared in the course of examination, that one of the lessors of the plaintiff was born before the marriage of her mother had taken place.

The *Advocate-General* endeavoured to impeach the deed of gift executed by shewing fraud.

But the Court said that this would place him in a peculiar predicament. It was through Toraub that the plaintiff claimed, and even if it was competent for them to shew fraud against him, it would tend at the utmost to establish a case available only in a Court of Equity.

The *Advocate-General* then considered the points which had arisen on Mahomedan law, and contended, first that by the law of the Mussulman community, one born out of wedlock, is legitimized by the subsequent marriage of the parents, and is not excluded from the inheritance. This point, however, was not material to the case, as it affected only one of the plaintiffs. The learned counsel then cited *McNaghten's Law of Inheritance*, to shew, that by the Mahomedan law, a co-heir cannot oust another of the whole of his share of the inheritance without the consent of the latter (which is not likely to be very readily obtained!) and that a testator cannot dispose of a larger proportion of the estate than one-third in legacies and bequest. Upon these grounds, he contended, that the plaintiffs were at all events entitled to a judgment *quoad* part of the property in question.

*Sir E. Ryan*.—There must be a verdict for the defendant; but we shall reserve leave to the *Advocate-General* on the point of law to move the Court that judgment, *pro tanto*, may be entered up for the plaintiffs. The deed of gift or release and the instrument of sale are valid and genuine, the deed of trust is admitted to be genuine, but its validity in law is contested. This, therefore, is the only point remaining for consideration. It may be observed, however, that the whole property is not conveyed away in this instance, for some interest is expressly reserved to the whole family, and the defendant, though possessed of the legal estate, is only a trustee in equity.

*Verdict for the defendant*, with leave to move that a verdict may be entered for the lessors of the plaintiffs.

*Mr. Clarke* applied to the Court at its rising, that the case of *Walker v. Bruce* might be fixed for to-morrow, as it stood next but one on the board and was likely to occupy the whole day. This case relates to an important



question of insurance, and several mercantile gentlemen have been subpoenaed to give evidence. The Court appointed it for Monday, as a case is especially appointed for to-morrow.—*Hurk, Feb. 9.*

SATURDAY, FEB. 10, 1839.

The Chief Justice came into Court this day at twelve o'clock to take common motions. In the case of *Mirza Mahomed Mehudy Miskey v. Hadjee Ally Teharaney*, a verdict for the plaintiff was taken by a consent. His Lordship afterwards sat in the Insolvent Court.

The case of *Walker v. Bruce* is specially appointed for Monday. It is on action on the case brought by the consignees against the insurers for granting a policy of insurance upon goods which were never shipped at all, whereby the plaintiffs were induced to make advances to the pretended consignors. The principle is novel.—*Hurk, Feb. 12.*

MONDAY.

(Before Sir Edward Ryan, and Sir J. P. Grant.)

DYCE VERSUS DYCE SOMBRE.

*Mr. Prinsep* moved, that the defendant may be at liberty to examine the Hon. Sir Charles T. Metcalfe, Bart., in Court, on Tuesday next, *de bene esse*, and that the depositions may be used in the issue directed in this cause.

It was suggested and acquiesced in by the court that this was a motion on the equity side.

*Motion granted.*

J. A. WALKON AND OTHERS VERSUS W. BRUCE,

RUSTOMJEE COWASJEE, AND ANOTHER.

The Advocate General, *Mr. Prinsep* and *Mr. Clarke* for the plaintiffs.

*Mr. Leith* and *Mr. Grant* for the defendants.

The Advocate General stated the case. The defendants carry on business as Insurers under the title of the Union Insurance Company. They have boats and peons of their own, and state in their policies that the goods insured have been received on particular vessels under the charge of particular peons. In July 1834, one Dear Christian applied to the plaintiffs to advance money on a consignment of saltpetre and other goods, and transmitted at the same time four policies granted by the defendant's agent at Dinapore upon the goods in question, in which the receipt of the goods was acknowledged, and they were stated to be embarked on four specified vessels, and in charge of particular peons. Upon the faith of these policies the plaintiffs accepted four bills of exchange to the amount of Rs. 7,500 drawn by Christian, and paid the same when due; but it would be proved that no goods were ever put on board at all, and that the pretended consignors on receiving the money absconded. The plaintiffs therefore brought this special action on the case against the defendants, to indemnify them for the loss sustained by reason of the implied guarantee in the policies that the goods in question had been embarked. Upon these grounds it was contended that the defendants were liable to make good the loss.

The learned Advocate further contended, that the plea of the general issue only put in issue the point whether the goods were or were not embarked on board the vessels, and not any of the facts stated in the inducement.

*Sir E. Ryan* said, that the Court would not decide before hand what is of is not necessary to be proved. The plaintiffs must make out their own case, and it

will be for the defendants afterwards to take objections to the sufficiency of the proof.

*W. C. Blacquiére, Esq.*, produced the policies of insurance, and letters relating to the transactions, under a subpoena *duces tecum*. These documents had come into the possession of this gentleman as Justice of the Peace in Calcutta, before whom one of the partners in plaintiffs's house made a charge against Christian of obtaining money on false pretences to the amount of Rs. 7,500.

*W. H. Jones* examined. Is agent for the Union Insurance Company at Dinapore. Was very intimate with Dear Christian in the way of business. The peons are employed by the Insurance Office, and the number of the particular peon entrusted with the charge of the goods is always specified in the receipt. Witness signed the policies in question on behalf of the Company. The goods in question never were laden on board the vessels, but this he did not learn until the time of Christian's absconding. The reason why he did not immediately notify the intelligence to the consignees, was that he did not know who they were.

*Cross-examined.* The boats are not the property of the Insurance Company, but of the parties applying for policies. Christian was in good credit at the time, and had extensive dealings in the way of business. Witness suffered great personal losses through Christian's default. He had no reason whatever to believe at the time that the goods would not be shipped. He was told that he should be allowed to see the goods weighed, otherwise he should not have granted the policies.

The payment by the plaintiffs of three out of the four bills of exchange was proved.

Several merchants and agents were called to prove the general course of dealing in transactions relating to insurance. It appeared from their evidence that policies are sometimes granted before the goods are shipped; the insurer does not always take the trouble to inquire, but takes it for granted that this is or will be duly performed. His business is only to ascertain that the vessel is seaworthy. The policies are granted according to the terms of the invoice, which generally states to whom the goods are consigned. By the custom of the Calcutta merchants, policies of insurance are considered negotiable instruments, but not until adjustment. The insurance office in the event of loss pays the amount to the indorser, whosoever he may happen to be. Generally speaking, banks decline to discount, until they have ascertained from the Insurance office that they have no claim or set, off against the insured.

*Mr. Leith* addressed the Court for the defence. There is no evidence either of fraud, injury or damage. The case amounts to this, that the plaintiffs by the misrepresentations of the defendants have been damaged. Now the nature of the instrument is not calculated to mislead any party, and even if the plaintiffs were misled, it was entirely through their own negligence. It never can be supposed necessary for every Insurance office, whenever they grant a policy, to examine and inquire accurately whether the goods are on board exactly as described. They may do this indeed for their own information and satisfaction; but they are not called upon to guarantee the fidelity of the transaction for the security of third parties. There is no privity whatever between the plaintiffs and the defendants. The latter might just as well bring their action against the present plaintiffs, and allege that they were misled by credit being given to this pretended consignors. The plaintiffs so far from being accessory to any fraud, are themselves the dupes. Then as to the injury which the plaintiffs allege they have suffered, this does not appear from the evidence adduced. Now consider but that Christian, the defaulter, is at the present

moment able to pay the amount which the plaintiffs claim. It is submitted, without calling any evidence for the defence, that their must be a verdict for the defendants.

*Sir Edward Ryan.* This is a case of very considerable difficulty and importance. We shall give a verdict for the plaintiffs, with leave reserved to the defendants' counsel to move the Court to enter a nonsuit. The objection raised that there is no proof of damage sustained, has no weight with us. A mere possibility that the defaulter has now funds in his hands to meet the claim, amounts to nothing. The question simply is, whether there has been fraudulent or negligent conduct on the part of the defendants. Now we are clearly of opinion that no fraud whatever has been established, the case therefore is reduced to this point, whether there has been such culpable negligence on the part of the defendants as to mislead and damnify the plaintiff, even with the exercise of a due degree of precaution on the part of the latter. The Court is of opinion that there has been such negligence, and that this has caused loss to the plaintiffs. It is clear that the policies were granted without sufficient precaution, and it is equally clear that except upon the faith of those policies the plaintiffs would not have accepted the bills. All that remains, is, whether upon this negligence, without proof of fraud, the action is sustainable. [The Court cited *Pasley v. Freeman*, 3 Terms Reports 51. *Haycraft v. Creadin*, 2 East Reports. 92]

The payment of only three out of the four bills of exchange was proved by the plaintiffs, owing, to the accidental absence of a witness; but the Court suggested to defendants' counsel, that as it was a question of right to be tried, they should admit the fact of payment, provided they were certified of its reality.

*Verdict for the plaintiffs, with leave to move for a nonsuit.* — *Hurk Feb. 13.*

TUESDAY, FEB. 13, 1838.

(Before Sir E. Ryan and Sir J. P. Grant.)

DYCE v. DYCE SOMBRE.

*Sir C. T. Metcalfe*, whose evidence was to be taken *de bene esse* in this issue, entered the Court this morning in company with their lordships, and was accommodated with a chair beside the bench. The Court immediately called upon the defendant's counsel to proceed with the examination. *Mr. Prinsep* requested permission to confer with his client for a few minutes, as the result of the conference might dispense with all necessity for examining *Sir C. T. Metcalfe*.

After the common motion had been disposed of, *Mr. Clarke* rose and stated to the Court, that by consent of parties, a verdict for the defendant would be taken in this issue, that the cause would be set down on the Equity board, and a decree taken by consent, dismissing the suit.

*Sir Charles* then retired, their lordships and the bar rising on his leaving Court.

BROWN v. DYCE SOMBRE.

In this suit between General Brown (the executor) and the defendant in the above suit, *Mr. Leith* moved for an attachment for want of answer to the amended bill. No further time for putting in an answer is allowed, after a amending the bill, and by the new Equity rules, a fresh subpoena is unnecessary.

Motion granted.

RAJNARAIN ROY v. JADAV CHUNDER.

*Mr. Prinsep* opened to pleadings.

The *Advocate General* stated the case. The plaintiff resides at Calcutta. He was returning one night at a

very late hour to his own house, after having made merry with some friends, and on getting out of his carriage, was attacked by the defendant, assisted by five or six others. The assaulting party beat him severely with a stick for ten or fifteen minutes, and endeavoured to take a gold chain forcibly from his neck. The plaintiff retired into an adjacent dwelling house, and could not venture out for some time through fear of the defendant's violence. For this outrageous assault, the action was brought.

Two witnesses were called to prove the particulars of the *francs*. It appeared that the night in question was very dark. One of the witnesses was himself assaulted, and had brought an action in which he recovered judgment *ex-parte*. The plaintiff had been subjected to a similar assault before, but he and the defendant were occasionally on tolerable terms with each other.

*Mr. Clarke* and *Mr. Leith* for the defence were not called upon by the Court.

*Sir Edward Ryan*, — There must be a verdict for the defendant. *Mr. Advocate*, we do not believe your witnesses.

Verdict for the defendant.

J. WIMBLE v. A. R. JACKSON.

*Mr. Grant* opened the pleadings.

*Mr. Prinsep* stated the plaintiff's case. This was an action of assumpsit brought by Captain Wimble, the master of the ship *London*, against Dr. Jackson for breach of contract. The defendant had agreed to take three cabins to England for the sum of Rs. 6,500, and the ship was fixed to sail early in January 1838. On the application of the defendant, who wished to remain until the arrival of Dr. Grant in the *Senostria*, the day of sailing was afterwards changed to the 12th; but afterwards requiring further time, he again applied to the plaintiff for an extension of the delay, but as a steamer had been already engaged by the plaintiff to tow the vessel down the river, he was unable to comply with this request. After some correspondence on the subject had passed between the parties, the defendant intimated that he should not be able to sail in the *London*, and Captain Wimble accordingly, with the view of lessening the sum to which the defendant would be liable, endeavoured to let the vacated cabins. It would be proved that this was done with the sanction of the defendant, who, himself wrote out and paid for the advertisements. One of the cabins was afterwards let, and the plaintiff was, of course, willing to subtract this sum from the whole amount of passage money for which the defendant had agreed. This action was brought to recover the difference.

The correspondence between the parties was put in and read, on admission in the cause.

*R. C. Paton* was called as a witness.

The *Advocate General* endeavoured to establish his incompetency, by a preliminary examination whether he had not given security for costs, but in this he was unsuccessful.

Witness proved that the vessel was consigned to the old firm of Bagshaw, Allan and Co. One of the three cabins was afterwards let to Mrs. Liptrop for about £200, on account of Dr. Jackson. Captain Cunningham was also allowed to go in one of the vacated cabins (the awning cabin) but he had already taken a lower one, which was not afterwards let to any one else. The *London* sailed after all on the 7th January, because Captain Wimble was positively informed that Dr. Jackson did not intend to sail with him.

*J. H. Stocqueler* proved that an application was made on the part of Dr. Jackson to advertise the vacated cabins in the ship *London*. An advertisement was

afterwards inserted in the beginning of January, by Allan, Paton and Co. These advertisements were put in and read.

Captain Liptrap proved that one of the cabins was engaged for his lady, on the 28th December. He communicated on the subject with Messrs. Allan and Paton. He was referred by Mr. Stocqueler to Dr. Jackson

The Advocate-General (with whom was Mr. Leith) then submitted that the plaintiff must be nonsuited. No ownership whatever has been proved in Captain Wimble, and even if he was part owner, the other owners ought to have been made parties.

Sir E. Ryan.—There are two answers to your objection; in the first place, Captain Wimble has such an interest in the vessel as to enable him to sustain the present action, and no other owners appear upon the face of these proceedings. But again, under the New rules, the only question on these pleadings simply is, whether this contract was entered into between these parties, and whether either had a title to make it.

Sir J. Grant, would say nothing upon the second reason assigned by the learned Chief Justice, but he fully concurred in the first.

The Advocate General then proceeded. It has been proved that the plaintiff agreed to delay until the 12th if not the 15th of January. Now it is absurd to say that this is only an alteration, and not an abandonment of the original agreement. The second contract was clearly entered into, in lieu of the former.

If so, the contract has not been performed by the plaintiffs. The ship sails after all on the 7th of the month, and, moreover, one, if not two of the cabins are let to other parties. By this act of the plaintiff himself, the defendant is absolutely incapacitated from fulfilling his part of the agreement. But it is further contended that the contract has been rescinded altogether, and Dr. Jackson wholly released from his responsibility. All the evidence goes to prove that Mr. Paton, in letting the cabin to Liptrap, acted not as the agent of Dr. Jackson, but entirely on account of the ship.

The learned Advocate here called witnesses, by whose evidence it appeared that Captain Wimble had been heard to say that he had agreed to remain until the 15th of the month, but he had altered his intention because one of his passengers made violent objections to the delay. It further appeared that Captain Cunningham had paid 800 or 1,000 rupees, in addition to the passage-money for the lower cabin which he had engaged, for leave to occupy the awning cabin vacated by the defendant.

Mr. Prinsep, in reply, contended at considerable length, first, that the second arrangement was no specific contract, but merely a provisional qualification of the former, for the convenience of the defendant. There was no consideration for entering into such an agreement; it was entirely through special favour towards the defendant, and upon his making default even after these advantageous terms had been offered, the matter naturally reverted to the original arrangement. Again, there is no proof whatever that the contract was rescinded. All the subsequent arrangements were made on behalf of Dr. Jackson, as being still interested in the matter. The cabin that was let to Liptrap was let under the sanction of the defendant himself. As to the objection that one of the other cabins was let without authority to Cunningham, this rests on very vague proof. But even if it were positively proved that this was the case, that the Captain had let an empty cabin just as the ship was on the point of sailing, surely

this does not annul the contract altogether. Whatever money Captain Wimble may have received ought at most to be subtracted from the amount of damages. Lastly, it was contended that even if the plaintiff had omitted to perform some minor particulars, it was competent for the defendant to bring a cross action.

Sir Edward Ryan.—This case is somewhat entangled by the pleadings, but the justice of it is quite clear. There are four issues before the Court arising upon the general plea of *non-assumpsit*, and the three special pleas. We think the first issue must be for the plaintiff because under the new rules it merely puts in issue the general contract, and that contract has been clearly proved. The 3d issue as to rescission of the contract, and the 4th as to inability on the part of the defendant through the plaintiff's own act must be found for the defendant, though we are of opinion that these third and fourth pleas had better not have been pleaded. We next come to the 2d issue, and this raises the real merits of the case. The second plea ought in strictness to have stood alone, and upon this the defendant is entitled to a verdict. If the vessel had remained until the 12th, the plaintiff would have been entitled to recover, but by sailing on the 7th he has damaged the defendant to this extent, that he has deprived him of the opportunity of getting rid of the cabins during the intervening period. It stands thus therefore;—the first issue must be found for the plaintiff, the three others for the defendant, and the defendant is of course entitled to general verdict.

Verdict for the defendant.

At the rising of the Court, the Chief Justice intimated that he should only take motions to-morrow and that the Equity Board would be taken on Thursday and Friday.

The case of *Horechunder Saha v. Macpherson*, set down yesterday on the Law Board by special order, is appointed for Saturday, the last day of the Sittings.—*Hurkaru, February 14.*

FRIDAY, FEB. 16, 1838.

(Before Sir Edward Ryan and Sir J. P. Grant.)

Some contested motions, which had stood over, were taken this day, but they involved nothing of public interest.

IN THE MATTER OF JOYKISSEN BYSACK.

The Advocate General moved for a commission *de lunatico inquirendo*, to be directed to John Farley Leith, and Richard Marnell, Esquires, Barristers-at-law, to enquire concerning the state of Joykissen Bysack. Affidavits were put in, stating that this party was a member of a joint Hindoo family, that for several years past he has been in a state of mental imbecility, and totally incapable of managing his affairs. The family are jointly entitled to considerable property, and an Equity suit has been long pending, in which Joykissen Bysack is a party; but no steps can be taken for want of a committee to manage the estate. It may be recollected, that in the recent case of *Unnomoney Doisee v. the Bank of Bengal* reported in the *Hurkaru*, witnesses were examined with reference to the state of mind of this very individual, who was a party interested, and the nonsuit of the plaintiffs was owing entirely to the unexpected evidence given in this matter.

Motion granted.

The case of *Horechunder Saha and another, v. Macpherson*, is specially appointed for to-morrow.—*Hurk. Feb. 1.*

## SUDDER NIZAMUT ADAWLUT.

CIRCULAR ORDERS, 1838.

## No. 198.—ADOPTION OF A GENERAL REGISTRY OF FINES.

The Sudder Nizamut Court have been pleased to direct the adoption by the Judges and the Courts subordinate to them of a general register of fines. The object of the Court in prescribing the use of the registry, is to provide against the misappropriation, on the part of any of the ministerial officers, of monies paid into Court, but it is not intended to present the

adoption of any additional checks which the Judges may consider necessary.

That Court have requested that due attention be paid to the entry in the register of all fines immediately they are imposed,—to the issuing of perwannahs to the Nazir to realize the amount of such fines,—and to the examination of the Register at the commencement of every month be the head Clerk, Shuistadar, Nazir and Treasurer of the Courts.—*Hark. Feb. 21,*

## INSOLVENT DEBTORS' COURT.

## HEARING.

Remanded from Saturday, the 27th January to Saturday, the 10th day of February, 1838—*Joseph Snelson Morton* of Sooterkin lane, in Calcutta, veterinary surgeon and livery stable keeper.—*Mr. Cartiaddell, Attny.*

“No Creditor shall be allowed at the hearing to oppose the discharge of a prisoner, unless he shall have given notice of his intention to the chief clerk, three clear days before the day of Hearing.”—*Office of Examiner, 2d February 1838.*

## MISCELLANEOUS.

## CALCUTTA.

**DEPARTURE OF SIR CHARLES METCALFE.**—At 7 o'clock on the evening of the 15th instant, Sir Charles Metcalfe embarked at the Cooly Bazar, on board the *St George*, for England, under a salute from the fort. By some mistake H.M. “Cameronians” were drawn up at Chaundpaul-ghaut, where also several gentlemen took their station, to pay the last compliment to the respected Baronet. A numerous assemblage, however, in spite of a most untoward morning (for the fog was very thick) were ready to receive Sir Charles and accompany him to the beauliah. The scene was most impressive; Sir Charles himself, in wishing his friends “good bye,” was completely overpowered, and in many, who might have been supposed to be made of “sterner stuff,” there were evident symptoms of the deepest emotion on parting from a long known and valued friend. Here admiration for the statesman, indeed, was lost or forgotten in affection for the man. The feelings seemed too deep for utterance; and, in silence and sadness, the chief ornament of British India, after a distinguished service of near forty years, departed for his native country.

**DONATIONS OF SIR C. METCALFE.**—Sir Charles Metcalfe has given a donation of *one thousand rupees* to the Parental Academic Institution. Sir Charles is patron of that institution, and the Committee of Management, with the sanction of the constituent body, have endowed two “Metcalfe Scholarships” to mark their grateful sense of the warm interest Sir Charles always took in the welfare of that institution. The Metcalfe scholars now are, masters Cook and Knox, especially appointed by Sir Charles.

One of Sir Charles Metcalfe's last acts here, was to bestow *one thousand rupees* upon the District Charitable Society.

By dak of the 23d instant accounts of the final departure of the *St. George* from the Sand-heads, on the 17th instant, were received. The following extracts from vessels on the station will shew that Sir Charles Metcalfe was honoured to the last moment.

**“EASTERN CHANNEL.**—On the ship *St. George* making her appearance, I dressed the \* \* \* in all our flags, and on her passing, manned the yards and fired a salute of fifteen guns, which was acknowledged.”

**“SAND HEADS.**—I regret to state I could not pay my respects to Sir Charles Metcalfe to the extent I had intended, on account of the state of the weather (blowing hard from the N.W. and being under reefed-top-sails). We were, however, enabled to salute him with fifteen guns, under the union jack at the main, which was acknowledged by the ship. The floating light also saluted him with the same number of guns, dressed out in all her flags.”

**ACCIDENT ON THE RIVER.**—Capt. Wootton, H.M. 44th, proceeding to join his regiment at Ghazeeppoor, had embarked with his lady on board a pinnace lying at Clive Street ghaut. About one in the morning of the 30th ultimo, he providentially awoke and on putting his foot out of bed, was surprised to find it immersed in water half leg deep. Immediately awakening his wife they rushed out of the cabin, but before they could reach the door, the vessel fell on her beam ends. Both were floating. The gentleman nevertheless lost not his presence of mind, and with great exertion dragged his unfortunate lady to the side of the vessel above the water, and in a dinghy sent her to a friend's boat alongside himself remaining to try and secure anything that might float up. In the state in which he had left his bed, he remained for two hours on the wreck, till, with his own hands, he secured the vessel with a hawser to the shore, and then rejoined his wife, with the melancholy conviction that everything they possessed in the world was lost. Capt. Wootton had just returned from England via Sydney, and all his outfit and that of Mrs. Wootton, laid in at some expense, was in an instant snatched from him, grateful that their lives were spared. The dandies ran away one and all, and were never seen the whole night. The manjee, it appears, had never slept on board. One wretch, in trying to escape, seeing Mrs. Wootton clinging to the side of the boat, deliberately put his foot on her shoulder as a stepping-stone and

pushed her under the water, from which her husband again saved her. The next morning Capt. Harrington, Master Attendant, sent his boats and assistant and righted the vessel. Every thing recovered, as may be readily supposed, was irretrievably spoiled, and the unfortunate officer ruined, after travelling so many thousand miles, by the carelessness of the serang and crew; for it appears they having neglected to haul the boat out by the anchor stern at the ebb tide, she had grounded by the head, and on the rush of the flood, immediately filled. The serang, though he had tremblingly acknowledged his absence to Capt. Wootton, in the presence of a friend, declared at the police office that he was on board and that the pinnace sunk in consequence of the "bore," when there was *none* took place that night.

**STEAM NAVIGATION.**—The steam petition, with upwards of 6,000 signatures, was despatched on the 4th instant, one copy by the Bombay dak for the *Atalanta*, the other by the *Repulse*. Additional names were in course of being added daily. The Steam Association is progressing rapidly. The shares amount to 2,471 held by 702 individuals.

**IRON STEAMERS.**—The following is an extract of a letter, dated *Jellinghæe* accommodation boat, off the mouth of the Goomty, thirty miles below Benares, 6th February, 1838. "We left Ghazepore on the evening of the 4th, and brought too a little below the reef of rocks which run across the river above Ghazepore. We passed these on the morning of the 5th through the only navigable channel now left, and were making excellent progress with fresh easterly wind till 2 P.M., when we were run into shoally water about 100 yards below the mouth of the Goomty. The steamer stuck and when her Captain had nearly been successful in extricating her and us, after an hour's exertion, the main shaft of the engine snapt in two, leaving us and herself perfectly *hors de combat*. Had a spare shaft been on board, we might have proceeded with a few hours' delay; as it is, however, the only alternative left us, is to warp and track the flat up to Benares, there shifting for ourselves in the best way we can.

The freight for Allahabad, it is believed, will be forwarded by hackery from Benares.

February 7th, 10 A.M.—We shall be at Benares this evening, being now only ten miles from it. We have about 500 coolies on our goon. We have had a refreshing shower of rain this morning. The banks of the river from Buxar up to this appear highly cultivated and the crops are very forward."

**UNION BANK SHARES.**—The sale of shares of the new stock of the Bank not claimed by absentees and other parties through neglect or want of means, went off with great spirit on the 16th instant. The business began at noon, and some few of the shares were sold at 310 premium; the bidding, however, rapidly rose to 325 and then steadily, but gradually, advanced to the maximum; the last share was sold at a premium of 370, and several previously at 360 and 365. The average was 337, and the whole number of shares sold was 48. In many cases parties who were entitled to, and who have lost the opportunity of claiming shares at par, have nobody to blame but themselves, and have done so through mere neglect and want of ordinary attention to their own interest.

**COMMERCIAL INSURANCE COMPANY.**—The fourth half yearly meeting of the Commercial Insurance Company, was held on the 19th instant.

They have assets in the hands of agents in London, Bombay, Madras, Singapore, Canton, Mauritius, Calcutta, and funds otherwise available amounting to . . . . . Rs. 4,77,036

Deduct average ascertained but not adjusted, and premiums on outstanding risks. . . . . Rs. 1,95,094

Total (add fractions) 2,80,244

showing funds equal to a dividend of Rs. 800 per share, leaving the society available assets amounting to two lacs, a standing capital according to their deed of copartnery. This dividend was ordered to be made forthwith, payable in Calcutta, and not in London, as heretofore.

The society has been in existence two years. It consisted at its commencement of one hundred shares of Rs. 1,000. At the end of the first year the profits, one lac, were added to the Company's capital, making it two lacs. At the third half yearly meeting a dividend of £50 sterling, payable in England, was declared.

**MEETING OF THE PROPRIETORS OF THE SUN INSURANCE**—We attended the annual meeting of the proprietors of the Sun Insurance Office on the 31st of January. Mr. W. Bruce was in the chair. Mr. Rustomjee Cowasjee, Mr. Ezekiel Muslien, and several foreign gentlemen composed the meeting, which was conducted in a very brief business-like manner. The balance sheet of the eighth half year exhibits.

At credit of the Society . . . . . Rs. 3,31,970

Debit amount of premium on risks (amounting to Company's Rs. 27,46,466) supposed to be outstanding at above date. . . . . 58,406

Amount reserved to meet contingencies. . . . . 50,128 1,08,324

Above par Co's Rs. . . . . 2,23,345

Equal to Rs. 2,233 per share. And it was resolved that a dividend be made of £50 per share, in bills on the London agents, and Rs. 500 in cash. This is very satisfactory.

Messrs. W. Bruce, G. Apar, J. De. Dow, K. R. Mackenzie, and Rustomjee Cowasjee were requested to continue their services for the ensuing six months.

**FINES.**—Several fires have occurred during this month; but, through the activity of the fire-extinguishing department, they have all been put out before they had done any great damage.

**FIRE RELIEF COMMITTEE.**—The report of the General Committee in aid of the sufferers by the great fires in 1837, has been published. It appears that the sum subscribed, including the donation of Rs. 20,000 from Government, was little short of Rs. 50,000; but a very small proportion was furnished by the higher class of natives. There are a few honourable exceptions, but compared with the number capable of contributing, they exhibit a contrast most deplorable. The committee have exercised a sound discretion in not making loans of large amounts to individual sufferers, and have done much good. The main object of the subscription was certainly to relieve the poorest, those whose position was not likely to afford the means of saving from their earnings or wages.

**DESTRUCTION OF PROPERTY BY CANNON BALLS.**—During the practice of the artillery at Dum-Dum, between the hours of ten and three, on the 14th instant, several trees were injured and some houses slightly damaged at the village of Kadity, which is situated to the north-east of Dum-Dum. The number of balls that fell amongst the habitations of men is estimated at about thirty; much risk of life and property was therefore incurred; and, indeed, it is feared that some casualty or other would possibly have taken place, had not all the people, run out of the village at the sight of the first ball, and placed themselves beyond the reach of the shot. About fifteen or sixteen families have since removed their homesteads elsewhere, never to return to that village again.

**MONSIEUR DUPUIS' FANCY BALL.**—This long advertised entertainment was given at Monsieur Dupuis' Rooms in the Durrumtollah Road, on the 30th ultimo.

At about a quarter after eight o'clock p.m. we entered the rooms and were quite dazzled with the blaze of beauty which greeted our sight.

The young Masters and Misses, fancifully dressed, excited our highest admiration, and to see them trip through the mazes of the dance, was really a pleasing sight. There were in this picturesque group a few ever-grown youths, who presented a sad contrast to the younger dancers, and whose movements only excited our risibility. The two ball rooms were thickly crowded, almost to suffocation, by upwards of 1,000 persons, which in convenience was increased by the unusual warmth of the weather.

There were some lovely faces and forms that adorned this assembly; and many who did not covet entertainment from the dance, contented themselves with gazing on features surpassingly fair. We regret to add that there were a few persons, however, who, wishing to procure the utmost for their money, were ever and anon quaffing plentiful potations, the free use of which caused them to conduct themselves in such a brutal manner as to excite this disgust of every body present; and some of these would-be-thought gentlemen, we have been told, on being turned out, stript and had a very serious warfare with their fists, in the spacious court-yard of the premises. This circumstance caused many of the fair damsels to quit the ball room, to the regret of the lovers of dancing.

We are really surprised to find persons who lay claim to the title of gentlemen, and who would be ready to call any person to a serious account for disputing their right thereto, so far brutalize themselves as to behave in the manner in which the individuals we have alluded to did.

Oh! would some bard the gift gie us  
To see oursel's as others see us.

However exalted or lowly the station of a man may be, it cannot excuse his conduct.—indeed the more exalted the position, the more reprehensible does the misdeed appear.

Honor or shame from no condition rise—  
Act well your part, 'tis there the honor lies.

The remainder of the company retired at three a. m. Excepting the very juvenile portion of the assembly, we only perceived two young ladies in fancy dresses. They were in the costume of Swiss peasant girls; but amongst the gentlemen fancy dresses were more numerous. We noticed the following costumes. Charles the 2d, Orlando, a Greek Peasant, a Vakeel of the Sudder Dewanny Adawlut, the Red Rover, a Sailor, a Spanish Peasant, Glenalvon, some Turks and some in dominoes; but by far the greater portion of the Company, wore plain full dresses.

**SMALL POX.**—The small pox is now extremely prevalent in Calcutta, and its suburbs; especially amongst our native fellow subjects, numbers of whom have been bereaved of their relatives by this destructive malady. Several families have lost their children through it, and one particularly had no less than six children, all of whom have fallen sacrifices to the distemper.

**SMALL POX.**—Small pox is not so rife in Calcutta as was stated last week; and the vaccine departments, established under the superintendence of Doctor Duncan Stewart, tend greatly to check the distemper, which is, as usual, introduced by the native inoculators.

**ERECTION OF A SANATARIUM AT ARRACAN.**—The sickness and mortality which at certain seasons prevail at

Arracan, and the consideration of the great expense to which the officers are subjected by continually moving to more congenial climates, has induced the Government to sanction an expenditure of about Rs- 12,000 for the erection of a sanatorium. The site selected by the medical officer is an elevated position contiguous to the sea shore, about two or three miles distant from the station of Akyab, and is considered, after a careful investigation, extremely suitable for so desirable a purpose.

**NATIVE LIBERALITY.**—A native gentleman by name Nilmoney Day, has forwarded Rs- 500 through Government for the use of the poor in the Bindabus, near Muttra. The monies are to be expended in purchasing common food; and this good man has been persuading his intimates to follow his example.

**DONATION OF DYCE SOMBRE, ESQ.**—Dyce Sombre, Esq., has presented the managers of the Parental Academic Institution with a donation of ONE THOUSAND RUPEES, for which, the only return they have had it in their power to make, has been a letter expressive of grateful acknowledgments for the same.

**PRINCELY DONATION.**—On the 5th instant, Dwarkanauth Tagore, bestowed upon the District Charitable Society, the magnificent sum of one lac of rupees! to be secured to the society on good mortgages and placed out at interest for the benefit of the numerous poor who are maintained from the funds of that excellent institution. The donation is to form a separate fund and to be called the "Dwarkanauth Fund," that the memory of the princely donor may thus be associated in perpetuity with the noble object he always had at heart.

**FREE SCHOOL.**—The report of the free school shows that this most useful and benevolent institution continues most fully to deserve the patronage of the public. Upwards of 400 children of both sexes, the offspring of indigent Christian parents, are supplied with lodging, food, clothing and instruction. They are admitted between the ages of five and nine years, and are instructed in English grammar, writing, arithmetic, history, geography, and the elements of Christian knowledge; besides which the girls are taught straw bonnet, lace and needle work. An unsuccessful application has been made to the Government through the Bishop of Calcutta, to relieve the institution from the expense of the Church attached to it.

**THE SAILORS' HOME.**—This institution, by the last report, seems to be in a flourishing condition.

**PRINCE OF ORANGE.**—Prince Henry of Orange, arrived from the mofussil on the 13th instant, and left Calcutta for Holland, on the 17th instant.

**PRINCE HENRY OF ORANGE.**—It is said that His Honour the Deputy Governor has received letters from His Royal Highness Prince Henry of Orange, and from Captain Arriens of the *Bellona*, off Koderoe, expressing their acknowledgments, in the warmest terms, for the kind and hospitable reception, both public and private, which their party has experienced. The Prince speaks highly of the attentions which he received from Captain Caine, his A.D.C., temporarily appointed during his visit.

**COURT MARTIAL.**—The young officer who was tried at a court-martial in Fort William the other day, and whose case excited considerable interest in the military circles, has been honorably acquitted.

**ARTILLERY REVIEW.**—The artillery was reviewed at Dum-Dum on the 12th instant, by Major general Sir Willoughby Cotton, and gave great satisfaction.

**JUDGESHIP OF THE SUDDER DEWANNY.**—It is said, that Mr. W. Cracroft and Mr. P. Nisbett are the candidates for the vacancy in the Sudder Dewanny and Nizamut Adawlut, occasioned by the retirement of Mr. C. Harding, one of the Judges of that Court, who proceeds to England on furlough.

**THE DROUGHT.**—The great drought which prevails threatens the most disastrous consequences to the poor. The tanks around Calcutta are now as much dried up, as they usually are in the month of May, and almost all agricultural operations being suspended, grain is daily rising in price, so that the inhabitants of the suburbs, have the uncheering prospect of experiencing great inconvenience from hunger and thirst during the next warm season.

**FAMINE.**—The want of rain has caused the most disastrous results throughout the whole of the upper provinces, and a most severe famine prevails. The following is an extract of a letter from Tirhoot on the subject :

"In verity and truth we are threatened with the most calamitous season ever known. Here is the middle of January without a drop of rain since October ; with three-fourths of our lands not yet prepared for lack of moisture, vegetation actually withering, and, in short, every prospect not only of no indigo, but really of a famine for want of means to cultivate the first necessities of life for the inhabitants. The scarcity is already severely felt, and the natives are crying out that this must be such a season as that of the great famine about twenty-five years ago, when no rice could be sown, and all that was, became inundated before the end of June. I look on this season for planters as one of those that fix an era of—alas ! what we meet most unfrequently—unmitigated destruction and ruin."

**THE OPIUM SALE.**—The second opium sale of the season took place on the 5th instant, at the Exchange, and went off very steadily, although the attendance appeared much less than that of the sale last month, and the number of bidders much fewer. The quantity put up was 1,500 Patna and 800 Benares, besides six chests Benares of last year's provision : eighty chests Patna and fifty chests Benares of the French privilege, belonging to the January sale this year.—Prices of Patna ranged from 700 to 725 Co.'s rupees, Benares from 610 to 615 Co.'s rupees.

**THE BLACK ACT.**—The following is an extract of a letter from Mr. Turton, to Mr. Dickens, in reference to the Black Act.

"Things as to the Black Act remain precisely in the state they were three months ago ; but I am preparing for my Parliamentary campaign, and hope by next month to have something to communicate. I fear it will not be favorable.

I am most anxious, as you may suppose, to hear what you and the Committee think of my attempt to get into Parliament. I am now going to endeavour to open the return at Worcester, a very radical place, and think I should be nearly certain of being returned for it, if the present election is set aside. Crawford, you know, has lost his return for Preston. We, the Indians, have been exceedingly unluckily on this occasion. Crawford's return would have been a great thing for us ; for he is well acquainted with Indian matters, has taken up the Black Act business *con amore*, and has helped me, without any apparent jealousy and dissatisfaction. I have written a letter to Dwarkanauth, and in it stated rather more fully

what I am about at Worcester ; but I have been so interrupted that I have not time to write to you as I had intended. I am much better in health than I was."

**COAL SURVEY.**—The survey upon which Mr. Homfrey was employed last year, on behalf of Government, to ascertain the practicability of bringing coals from the Coel and Soane river districts, left off with an urgent recommendation for its being continued in the present year, and in hopes from some very promising appearances, of establishing the connexion of the great Palamoo and Coel river coal fields, with several sites along the banks of the Soane both to the north and south of the Coel river. These sites have been again explored, and some of them ascertained to contain coal. The samples which have been dug, although not of the very best description of coal, are said to be sufficiently so to encourage the continuation of the research in those parts of the country below the range of hills which skirt the south-east bank of the Soane. There are a vast number of distinct deposits of carbonaceous black slate with admixtures of coal, in various proportions, on both banks of the Soane. There is also that interesting deposit of the lias, which was also noticed and identified to be the long suspected and true lias limestone—perhaps one of the most valuable acquisitions to the present internal resources of this hitherto unexplored country. There is also a bed of thick carbonaceous black slate in the nullah near to Bidjegur, but nothing of the character of true coal has yet been discovered.

**SOUTH AMERICAN COPPER.**—The practical effect of double legislation is beautifully illustrated by the position of the two American ships, which have lately arrived, and which must away to sea again, under the late order or regulation of the Court of Directors with their cargo unbroken ; or, at all events, if they remain, can only do so, with the most valuable part of it unsold, viz. the South American copper, unless the President in Council will sanction infringement of the regulation, on the ground of its taking the parties affected so completely by surprise. Indeed it may be questioned whether under the commercial treaty with the United States, which was laid upon the table of both Houses of Parliament, the prohibition against American vessels bringing the produce of other countries can be legally enforced. The case is now before the Government, on the representation of the Collector of Customs for its decision.

**A BARBARIC SHIELD.**—It has been stated, that the commander of the ship *Strathista*, which vessel lately arrived at this port from the Malay coast, brought out a shield which had been captured from the savages in Torrey Straits. The shield is in the shape of a tortoise, and in it are set, in a state of preservation, the heads of the captain of a ship which belonged to this port, and was lost some time since, and seventeen of his crew and passengers. The heads bear all the scars of wounds which were inflicted on them. The captain's head is put in the place representing the head of the tortoise and a boy's is at the tail, and either of the crew's on each side. A facsimile of the horrid shield, as drawn from the original, is in the possession of Messrs. Sheldon and Co.

**EXHIBITION OF VEGETABLES.**—The show of vegetables at the Town Hall, on the 29th of January, far excelled anything that could have been expected with reference to the unusually unfavorable season. The cauliflower was beautiful and would have vied with any in Covent Garden. The cabbage was also very fine. The peas were excellent, and there were two fine baskets of English or rather Cape broad beans. Carrots from Capes seed were superior to preceding years ; onions and

looks, though few were large and good and the red beet and salad were in good season. Only two baskets of artichokes were visible. Potatoes very fine. Of native vegetables, the pure white and red bringals were most conspicuous; the celery, though good, was not sufficiently blanched. The scene was altogether attractive, and the number of ladies who graced the ball, rendered it doubly so.

In the evening the members of the society dined together, when several toasts were drunk & speeches made.

**ADVANCES ON SHIPMENTS OF GOODS TO EUROPE.**—A report gains ground that the Government are about to resume the system of advances on shipments of goods to Europe.

**THE OCHTERLONY MONUMENT.**—Government have sanctioned the estimate completing the plastering of the Ochterlony monument and repairing it. The amount is about Rs. 460.

**LORD CARDIGAN.**—Lord Cardigan forfeited his passage in the *Repulse*, and took up cabins in the *Juliana* for Madras, from which place his Lordship and the Countess proceeded dāk to Bombay. This change of plan arises from a desire on the part of the Lord to be present at her Majesty's coronation, which he would have in all probability missed, had he sailed in the *Repulse*.

**COLONEL COCK.**—Colonel Cock, it appears, has been appointed to the command of the Dinapore division of the army, with the rank of brigadier, during the absence of Major General W. Richards, C.B., or until further orders.

Government have come to the resolution of issuing new Company pice and receiving old sicca pice, in exchange for Company rupees—sixty-four of each denomination of pice to the rupee. This will be a great relief to every class of persons who pay or receive money in fractional parts of the rupee. The words "until further orders" are of course mere words of form, for it would be doubly cruel in the poor ever again to leave them at the mercy of the postals, so long at least as the old defaced pice remain in circulation.

**THE GOVERNOR'S PRIVATE SECRETARY.**—The appointment of private secretary to the Deputy Governor, is given to James Hutchinson, Esq., for whom Ross D. Mangles, Esq., has been hitherto officiating. Mr. Hutchinson, has just returned to Calcutta from the Cape.

**MR. A. DOBBS.**—Mr. Dobbs, the Master in Equity, has returned with his health perfectly restored. This gentleman took the oaths to Her Majesty, and resumed office on the 29th instant.

**ANNUAL MELAH AT SAUGOR.**—The annual melah or fair at Saugor, commenced at the end of December and continued up to the 20th of January. A party of the 24-Pergunnah indefatigables, an European officer, and the full guard, attended. The boats of all sizes and descriptions far exceeded the past year's assemblage, and were estimated at so many as seventy thousands, and the number of souls at as many as six hundred thousand; and it stated that articles of Asiatic produce were sold and exchanged to so large an amount

as twelve lacs of rupees. The assemblage was, as usual, comprised of natives of Lahore, Delhi, Oude, Seringatam, Bombay and the lower provinces, and a great many from the Nepaul and Burmese states. No remarkable accidents occurred beyond a large boat laden with tobacco having suddenly foundered; all lives on board were however saved. No affrays, or assaults have been reported, and from all accounts the melah was conducted very quietly.

**FAILURE.**—The failure of an eminent Shroffing and Banking House, trading in the Burra Bazar, occurred on the 1st instant, under the name of Tarachund Day and Madob Churn Day. Their liabilities are reported at twenty lacs of rupees.

**QUARANTINE AT MALTA.**—The severity of quarantine at Malta is greatly mitigated, indeed done away with. Passengers arriving in the Alexandria steamer, provided they do not land, are shipped into the London steamer, in the port, and proceed at once on their voyage, saving thus the delay of twenty or thirty days, which is the period for performing quarantine allotted to even clean bills of health.

**PECHEEGAUM EXPEDITION.**—A letter from Assam states that the commissioner and Major White arrived at Sudea on the 29th of January, and that Lieut. Miller had gone with seventy-five men to endeavour to take the Pechee Gaum, who had been fighting with the Let Gaums. It is expected that Lieut. Miller will have some trouble.

**AQUEDUCTS.**—Just before the Chief Magistrate left Calcutta in November, several estimates for additional aqueducts were submitted to Government through the Military Board; but the one nearly finished in Lyon's Range, New China Bazar Street and Clive Street was especially recommended for sanction, and the chief Magistrate ordered its immediate commencement pending sanction; that it was sanctioned either last Tuesday week or the Council day before it, and the sanction forwarded the other day by the Military Board to the Conservancy Department: the Deputy Governor rejected the remaining projects submitted with the exception of that for an aqueduct along Boitakhana, from Wellington Street to the Circular Road, but suspended his sanction for that work until he should receive the estimate.

**DACOITY.**—The treasure belonging to the Stud dépôt at Buxar, has been attacked and carried off by a band of dacoits accompanied by a party of horse. The gang is understood to have amounted to about fifty or sixty men altogether; and the guard allotted for the protection of the treasure being very small, it made no resistance. The attack was quite unexpected, so much so that the country was disarmed, and the chookeedar who alone offered to oppose the party, was speared in the head, and disarmed. The dacoits, it appears, had been hovering about the town of Buxar for the purpose of carrying off a large sum of money which a Mahajan expected from Patna, and of which the dacoits had received intimation; but, being disappointed in that, they attacked the stud treasure and carried off an iron chest containing twenty thousand rupees in cash, and about five thousand rupees in bank notes belonging to the stud; and about two thousand rupees worth of silver plate, the private property of Captain Thomas, in charge of the dépôt, who had lodged the same in the treasury for greater security.



**AFRAYS.**—There are rumours in town of a serious affray, attended with loss of life, in the neighbourhood of Sheerghooty on the Benares road, in which some European soldiers are implicated. A collision has occurred at Koderes between some sailors of H.M.S. *Victor* and the Custom-house authorities; and the former were kept on shore in confinement during the night. Jack was rather "glorious" and pretty considerably pugnacious. The Custom-house officers acted, it is said, with much judgment, having seized their refractory visitors, three in number, and bound them hard and fast in the tent, before they could obtain assistance from the rest of the boat's crew, who put off to the ship, in ignorance of the "durance-vile" of their most unfortunate, and unwary mess-mates.

**ACCIDENT.**—A dāk boat with seventeen packets on board, while rowing up to Hooghly on the 29th of Jan., capsized opposite to Bullopoore by the violence of the bore. Ten of the packets were recovered; but no trace of the rest was discovered. It is said the native merchants have lost a good deal of money by this sad accident.

**ABOLITION OF PERSIAN.**—The use of the Persian language in judicial and revenue proceedings, is abolished in the Bengal division of this Presidency, by order of the Deputy Governor under the recent act. The measure is to be carried into effect gradually, but the change is to be completely effected by the 1st January next.

**MELANCHOLY ACCIDENT.**—One of those distressing accidents which it is but very little to say throw a gloom over the whole meeting, took place on the Race Course on the 31st of January; they really make us wish at the moment that there were no such things as races to permit of the possibility of their occurring. A horse may be spared, but the highest gratification derived from racing is far too dearly purchased at the expense of a man's life.

After the start for the second heat for the Cup, a loose horse was observed galloping about. *Absentee* and *Lieutenant* went round the Course at tremendous speed, were neck and neck past the hospital, and rating it for the turn in, when the horse, which had been gradually making for that corner, and which some riders had vainly endeavoured to stop, rushed clean across the racers, and the whole three, with the (two) riders, were instantaneously on the ground. The horses recovered themselves, but Hardy, who was riding *Lieutenant*, never moved again. His appearance indicated some dreadful concussion of the brain, and the medical gentleman who first saw him, pronounced him at once dead.

#### MOFUSSIL.

**DELHI.**—Robberies are of daily occurrence in Delhi, and the soldiers are the principal sufferers, some of them having been robbed of property to a large amount.

**MEERUT.**—An extraordinary case of prolific parturition occurred in the Regimental Bazar at Meerut recently; the wife of a native of the weaver caste, at her *accouchement* gave birth to three children, a male and two females, none of whom survived until the next day.

On the 29th instant, some serious accidents occurred at Meerut in the second Brigade of Horse Artillery, when at field exercise; a Non-Commissioned Officer was thrown completely forward from his horse which falling over him occasioned his being carried off the plain in a senseless state. One gunner had, while in the act of loading, the extremities of his right arm entirely carried away and the right side of his face shockingly

disfigured; he was conveyed to the hospital in a very pitiable state. This accident was at first attributed to the injudicious management of the gunner serving the vent, but the wounded appearance of his thumb, must exonerate him from the censure justly attached to neglect of duty at his very responsible station.

**SAUGOR.**—The crops are finer in Saugor this season, than they have been for several years past.

#### NATIVE STATES.

**LUCKNOW.**—Advices from Lucknow, of the 26th January, state, that the late Hukeem Meldees has been succeeded in his office of Minister of Oude, by Mowlaee Gholam Ghaya, formerly a moonshee, on a salary of twenty-five rupees. Ahmed Ally Khan, nephew of the late Hukeem, still holds the appointment of General in the Oude service; but being rather on bad terms with the present minister, intend shortly to leave Lucknow for Futtehghurh; but it is questionable whether the King will permit him to do so. The King is carrying on his economical measures, discharging the servants of the state, and clipping the salaries of those that are retained. Nawaub Rowshanoodowleh, the ex-minister and his son, Sobhan Ally Khan, are still confined to their houses, but fell confident of being reinstated. The former made an offer to his Majesty of 25 lacs of rupees for a re-appointment to the Premiership; but Lucknow, the King thinks, has had too much of his ministerial measures already. Nawab Tuhowar Jung seems to be enjoying himself. The Resident gave him the use of one of the King's palaces to reside in, with elephants, chobdars, &c. He has been to all the palaces, gardens and other places of public resort, and is said to like the city and the people of Lucknow. On the 19th of January, the Resident introduced him in form to the King, who was surrounded by his principal nobility and gentry. The King shewed him much civility and attention, and on his taking leave made valuable presents. Nawab Tuhowar Jung, it is said, intends leaving the city shortly, with an intention of visiting the whole of Upper India. The King was so ill that he would not see any one, unless on urgent and pressing state business.

**LAHORE.**—It is reported that the Maharajah received letters from Cabul, stating that Captain Burnes was endeavouring to persuade Nawab Dost Mahomed Khan to make peace with Runjeet Sing. The Maharajah hearing the contents was quiet for a time, but afterwards said that he would not make peace with Dost Mahomed Khan unless he gave Peshawur as a Nuzurana h.

The Maharajah being desirous of getting about one hundred European soldiers in his service, asked Mr. Cantell, how he was to procure them. Mr. Cantell said that the Maharajah could not entertain them without the sanction of the British Government, agreeable to the existing treaty.

A shooka was sent to the Kamdar of Derah Ismail Khan, ordering him not to be afraid of the Zemindars, but to endeavour to bring them to submission.

A Shooka was sent to Mirs Ronp Lall, ordering him to go to Indpore Makhooval with two hundred Sowars, and there decide impartially the case of Ruod Sing and Runjeet Sing Loodhraua and if they do not act upon his decision he should dispossess them of their Jagheer and report it to the Huzoor.

His Majesty received an arzee from the Utber Nuvees of Huzara, which stated that Ibrahim and

**Mahomed Khan Zemindar**, of the districts skirting the Hills, are instigating the other Zemindars to keep up a disturbance.

An *urzee* from **Savun Mull**, Nazim of Multan, was received, the contents of which were that as **Behram Khan**, Muzaree, had formerly kept up a row in this district, it is now, by his Highness's kindness, brought into subjection. A *shooka* in reply was sent to him desiring him to give to the said **Behram Khan**, a valuable *kheelut* and send him to the presence; when something would be done for his support.

An *urzee* from the **Ukhbar Nuweers**, of Cabul, was received, stating that **Dost Mahomed Khan**, the ruler of Cabul, has an intention of coming over to Peshawar. His Majesty said that when he will march against us, some sowers and artillery will be sent, who will prevent him from crossing the river Attock. **Deena Nath** represented that the Frenchmen of His Majesty's army were a great obstacle to his coming.

**HERAT**.—By the letters received from Herat, it appears, that the invincible forces of Iran have marched from **Mushed** and encamped at the fort **Kooryan**, which is in the territory of the ruler of Herat, where both rulers had a great fight, and the ruler of Iran gained the day. He has established his *thanah* there. The Ruler of Herat fought incredibly well, but being short of ammunition gave up the field, and retreated into the fort of Herat, to which the Persians have laid siege. It would be well for the Herat chief if he will negotiate with them because he is not able to escape, and they will ruin him.

**KAFRISTAN**.—The customs of the tribe of **Kafrees** are quite different from those of **Hindoos** and **Mussulmen**; they are called *Atish Purist*, fire worshippers; their places of living are in the hills of **Bejore**, **Terau**, **Budukshan**, &c. &c.; they earned their livelihood by cultivating those hills; and they were never subject to any people, but a few years ago the son of the Ruler of Cabul subdued them, consequently knowing that they were under subjection, they assembled in a body and but their gates against him and he, has left their boundaries and pitched his tents near a place called **Bumean**.

**BHOPAL**.—The Government have at length enforced the *Salic law* in this country, and the **Nawab** has been installed in security on his throne, in spite of the pertinacious efforts of the **Begum** to supplant him.

## MADRAS.

**THE CREW OF THE ELIZABETH**.—The crew of the wrecked ship *Elizabeth*, who had behaved in a very obstreperous manner, after making free with the beer barrels on board, have been reduced to obedience by the Assistant Collector without military aid, and they are to be sent up to Madras forthwith.

**SALE OF THE WRECK OF THE ELIZABETH**.—The wreck of the *Elizabeth* was sold by public auction on the 2d of February, for the ridiculously low price of *four hundred and fifty rupees*. This was not from want of buyers, however, as there were many natives present prepared for the purchase; but the wreck lies so far out, and is so completely broken in pieces, that there is little prospect of any part of it being saved. The *Wolf* was lying off the wreck, making preparations to bring up the remainder of the spars, rigging, figure-head, &c. &c. which have been saved by the indefatigable exertions of **Capt. Stanley** and his crew.

**HYDRABAD**.—The sickness and consequent mortality among the European soldiers, have almost entirely disappeared, and the measures which Government have at length adopted will effectually prevent their recurrence, for the barracks are undergoing alterations on such an extensive scale that they will in a few months assume an appearance superior to any on this side of India."

**CHOLERA AT ARNEE**.—Intelligence from Arnee of the 27th of January, states that cholera had ceased for seven or eight days previous, in Her Majesty's 63d regiment; but the disease was still very prevalent amongst the natives all around the station. Orders have been received by the officer commanding to encamp H.M. 63d, if the cholera should continue amongst them.

**SECUNDERABAD**.—A private letter from Secunderabad dated the 22d of January, states that the present cold season has been the most sickly ever known; cold, coughs, and fevers were so prevalent that there was scarcely a house which had not a patient in it. No fatal cases, however, had occurred up to that time from the influenza which was raging. On the 15th January, a thermometer exposed in the garden early in the morning, fell to 50d. during the day it seldom rises above 72d in a closed room.

His Highness the **Nizam** left the city of Hyderabad on the 20th January, on an excursion to **Injapoor**, a place about 8 or 10 miles distant, accompanied by his **Ameers**, his Court, and some of his relatives.

**MURDER**.—A *sercunny* belonging to the *Lady Flora*, lost his life on the 29th January, by being stabbed and otherwise wounded, under very distressing circumstances. A Coroner's inquest returned a verdict of wilful murder against the party who inflicted the wounds.

**SALE OF COMPANY'S PAPER**.—There was a sale of Company's paper at the office of Messrs. Arbuthnot on the 1st and 2d of February, amounting to nearly *three lakhs* of rupees, belonging to the late **Laudable Society**. The attendance at the sale was very numerous both of natives and Europeans; and the bonds fetched about 2 per cent. above the previous nominal rates. The highest premium of the loan of 1845 and 26 was 6½ per cent.

**ON DUTY**.—The orders have either been received by the last overland mail, or an intimation given that such are coming out, to sanction a continuation of full batta to the native troops stationed at Hyderabad, Nagpore and Jaulnah; that Major Robison has been instructed to return to his duty, thus stamping with illegality the course pursued in his removal; that Captain Sprye, the Deputy Judge Advocate General, is to receive £500 as a compensation; that Captain Alexander, the Fort Adjutant, has been relieved from the heavy sum for which Sir Frederick Adam's first rendered him responsible; that Mr. Langley, late of the 3d L.C., is permitted to draw a Captain's pension or a special pension of £100 a year; and declared eligible for such official situations as that he was prevented continuing in.

**EXECUTION**.—On the evening of the 27th of January, the sentence of death passed upon the private of the 14th regiment for shooting the subadar-major, was carried into execution. There was no parade or show made but merely pickets from the two regiments under the Captain of the day to keep the peace and prevent the encroachment of the crowd, which was immense. The culprit, was brought from his place of confinement on a bandy drawn by buffaloes, and to the very last maintained

the most cool and determined obstinacy and doggedness of manner, declaring his innocence and calling the officers murderers. The act of lashing him to the gun was the work of a few seconds. The signal was immediately given by the officer commanding the artillery dropping his glove, and as instantly obeyed by the man with the port-fire, and the murderer was no more. On the day of his death he stated to an officer of his regiment, that his enemy was the former subadar of his company; from which it may be inferred that he intended to shoot this native officer, but the *bang* with which he was intoxicated misled him.

**THUGS IN MADRAS.**—A noted thug has been taken to Madras in custody, who states that about two hundred of his craft are quietly following their vocation in the town of Madras!

**DEPLORABLE LOSS OF HUMAN LIFE.**—A short time since a party of about sixty convicts were on the march from the district of South Arcott to the Bangalore road in hingleet to be employed in repairing the roads, suddenly, and without any known cause, the whole party commenced an attack on the peons in charge, and a desperate affray ensued; *nine of the convicts were killed on the spot by the peons*, about twelve men desperately wounded, and a number variously stated at thirty or forty escaped altogether. The occurrence took place about fifty miles from Madras, and it is not reported whether there was a military guard or whether the convicts were ironed in the usual manner.

**MR. RUSSELL.**—The Honorable Mr. Russell has been splendidly fêted at the Banqueting Room by the society of Madras.

## BOMBAY.

**THE COMMANDER-IN-CHIEF.**—Report says that the Commander-in-Chief, Sir J. Keane, will go to the Cape by an early opportunity on sick certificate. His Excellency not having sufficiently recovered by his late voyage, to stand the fatigues of another court-martial campaign, which has already commenced with unusual briskness. An entertainment has been spoken of, or hinted at, as a tribute of respect to this able and excellent functionary.

**COURT-MARTIAL.**—A Court-martial was held on Brevet Colonel J. G. Baumgardt, at Bombay, for scandalous conduct, unbecoming the character of an officer and a gentleman, in the following instances, charged by Brigadier Slater:

1st. In having, unknown to me, communicated in a letter to Major General Willshire, of Her Majesty's 2nd or Queen's Royals, commanding Poonah brigade and station, dated 1st July, 1837, that I had called on Lieutenant Cuyler, of that regiment then under arrest, and had privately listened to his reflections on the character of another officer of the same regiment, such statement being malicious, unfounded, and injurious to my character as his immediate commanding officer.

2d. In not having taken the means of contradicting or making known to me the malicious and unfounded report contained in his letter aforesaid, dated last July 1837, to Major General Willshire; although the falsehood of it had been made known to him, and he had been repeatedly recommended by the latter officer to communicate the same to me.

3d. In falsely insinuating in a letter to Major General Willshire, dated 20th August 1837, that I was

aware of the injurious report in circulation against me, but that I had shewn no disposition or wish to institute any inquiry or take any notice of it.

The court having found the prisoner guilty, adjudged him to be reprimanded in such manner as His Excellency the Commander-in-Chief may be pleased to direct.

**COURT OF ENQUIRY ON COMMANDER LOWE.**—The Court of enquiry on Commander Lowe of the *Berenice*, has terminated in the honorable acquittal of that officer from all blame. So far from there having been any carelessness in the management of himself and the other officers, the utmost vigilance was displayed by all on board. At the time the vessel struck, the presence of mind of Captain Lowe prevented the accident from assuming a much more serious complexion.

**ASSAULT AND ROBBERY.**—A Frenchman living in Bombay was walking along with a warrant officer of the *Artemis* from the Apollo bunder to the Fort. They were followed from the bunder by eight parrees, and, when they had got as far as the corner of Forbes-street, close to the office of Messrs. Jeejeebhoy Dadabhoy and Co., one of the men laid hold of the former Frenchman, and made a grasp at his pocket. The other parrees surrounded the man, and when he saw his situation and felt himself seized, he raised an umbrella and struck the person who had hold of him. Upon this he was attacked by the whole party and knocked down. A small bag containing money fell out of his pocket, and four rupees which rolled out of it were snatched by one of the parrees. His companion interfered, for his defence and was also knocked down in the attempt, he too losing several rupees. The parrees after this made off, finding that nothing further could be done *quietly* in the affair. The Frenchman, as well as they could, communicated to two police peons who were standing quietly looking on at a few yards distance from the scene of the scuffle, which had taken place, showed them how they had been treated, and pointed out where they had been attacked. The peons, however, remained where they were, and would not stir a foot to endeavour to secure the offenders.

**EXPORTATION OF SALT FREE OF DUTY.**—It is said, that Government has come to the resolution, pending a reference to the Government of India, of allowing all salt taken for exportation, to any port within the territories included under the Honourable Company's Charter, to be shipped free of duty, or in other words, on the same terms as before the introduction of the new law.

**THE BERENICE.**—The *Berenice* reached Bombay on the 24th of January, but not the harbour, having struck upon the south-west prong, in attempting to enter the port. The *Berenice* was standing towards the harbour about 7 P.M., her distance being at that time, about fourteen miles, and the night extremely dark. At this moment two lights were observable in the direction of the port, but which was the true one could not be ascertained, there being nothing to distinguish the one from the other. Upon the two lights being so discovered, Capt. Lowe directed the purser to go below and address a letter to the Superintendent of the Indian Navy as to the circumstance of such two lights being visible, and the impossibility of distinguishing the true one. Capt. Lowe being extremely anxious to discharge his duty by landing the mail as early as possible, the vessel continued to stand in until about 9 P.M., when the water suddenly shallowed to eight fathoms. An

order was instantly given to put her about, but before the next throw of the lead she bumped and upon going round took the rock and stuck fast. It was soon discovered that she was on the south-west prong, but as far as could be ascertained she had sustained no damage from the concussion.

**DISTRESSING FIRE.**—On the 22d of January last, the village of Khandalah took fire, and the whole of the native part of it was reduced ashes. The bungalows in the neighbourhood were not affected by the conflagration, but the distress which this said calamity must have inflicted upon the poor inhabitants of that delightful spot, will be very severely felt.

**MARINE POLICE.**—The Government has nominated a committee composed partly of the principal merchants, to take into consideration the question of a marine police.

**THE CHOLERA.**—The cholera still prevails in Her Majesty's 63d regiment at Arnee. The wards of the hospital are stated to be quite full, there being therein no less than eighty patients.

#### SINGAPORE.

A *Singapore Free Press* of the 4th of January, state that the *Water Witch*, from pilot the 13th of December, had arrived at Singapore on the 1st of January. The Dutch, it appears, had perfidiously captured the Boonjal chief, who had made such a stubborn resistance to their inroads into the interior of *Sumatra*, and had sent him to Banda, the state prison of the Dutch in India.

**PIRATES.**—The pirates have again commenced their depredations in the vicinity of Singapore. A raft, on which were seven persons, was attacked by these sanguinary wretches off *Passeris*, a village situated a mile or two beyond the Red Cliffs on that Island. The pirates on their first approach called out for some tobacco, and being told there was none to give, discharged several blunderbusses at the raft and killed two of the people. The rest attempted to escape in sampans, four going in one, and only one in the other. The latter was soon overtaken and murdered by *krisses*, notwithstanding his earnest supplications for mercy, which were heard by his companions, who were enabled, however, to reach the shore and conceal themselves in the jungles. All their property was plundered.

#### PERSIA.

Letters received in town on the 18th instant, from *Persia*, speak of the successes of the Shah in his expedition. One or two strong holds had fallen, and it is supposed that the Shah is by this time before *Herat*.

#### BURMAH.

The following news has been received from *Burmah*.

On the 12th January, a despatch-boat reached Rangoon in five days from the new capital, *Umerapoora*. The intelligence brought down was at first carefully concealed, but some of it at last transpired. It appears

that the Shans of Monory, to the east of Ava, have refused to submit to the new King of Ava; that His Majesty, imputing this refusal to the mismanagement of the officer whom he had appointed as Governor-General over the Shans, had with his usual haste and recklessness of human life, ordered the said Governor-General, and six of his principal officers to be executed, and despatched a force under a *Woondouk* to coerce or cajole the Shans. The late *Woongee* of Rangoon, who had once before been confined and squeezed, has been again imprisoned. A Rangoon officer of the former Government has been executed for travelling through the country, and the chief of the lower chokey in the Rangoon river, is ordered to be embowelled, because he claimed, as his hereditary right, the fees of office belonging to that chokey. The late King is on the river off *Umerapoora* guarded by 500 men, and his son, the young prince, is without any followers. *Menthaggee* and the other ministers and officers of the late King, continue in prison.

Mr. Blundell, the Commissioner of Moulmein, deputed Dr. Richardson to proceed to Bileng, the seat of the chief Burmese Governor in that quarter, and demand redress for the late murder and dacoities, in our territories. Dr. Richardson was treated in a more inhospitable and ungracious manner than what any British officers ever experienced before in this quarter. The petty officers of *Martiban* stopped him; and when he at last reached the neighbourhood of Bileng, he was met by a party of soldiers, who would not allow him or his followers to enter Bileng, and kept them outside under a strict guard. The Governor pretended not to be a Bileng, and Dr. Richardson was obliged to return to Moulmein without having seen the Governor or accomplished any of the objects of his mission, except communicating the demands of the Commissioner to a subordinate Burmese officer, who, of course, denied all knowledge of the parties that had committed the late murder and robberies.

The good people of Rangoon, now that the Commissioner has clearly proved that these late incursions into our territories were committed with the knowledge and at the instigation of the Governor of Bileng, pretend that that chief has turned *rebel* against the new King of Ava, and that he has been acting contrary to the orders and wishes of his Majesty! It is however said, that the present governor of Bileng is a very old and confidential personal friend of the present King's, and that his son is in immediate attendance on his Majesty and in command of his body guard!

**AKYAB.**—Letters have been received from Akyab, dated 12th instant. The steamer *Experiment* arrived there on that morning, and fired a salute, which was answered from the shore. At the instance of the medical officer of the station, a dispensary is about being established at Akyab, where natives will receive medicine, and medical advice, or attendance gratis. A subscription had been raised for this humane purpose, and the worthy commissioner was, as usual, foremost with his purse. Surveying had been carried on at Akyab with some activity, and the impression seemed to be that, in the course of next year, a harbour wharf, a light-house, and sanatorium—now matters merely visionary,—will be objects of reality. Scarcely any sickness prevailed at Akyab by the latest dates. Those officers who had been ill, had all recovered.

## REVIEW OF THE CALCUTTA MARKET.

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**INDIGO.**—The market now evinces considerable animation, and purchasers finding that the holders will not give way, have been buying pretty freely at the recent sales, where prices have ranged from similar rates to five rupees advance on the previous currency. The continued drought is much against the sowings for the coming season, and loud complaints of want of rain are coming in from Tirhoot and all the upper provinces.

**RAW SILK.**—Prices are giving way and there is very little enquiry for the article, the exports to Great Britain have however been extremely heavy since the commencement of the year.

**SILK PIECE GOODS.**—No amendment has yet been remarked on the quality of *corahs*, and until that is the case they promise no good in English markets. The prices of the assortment remain as reported in our last.

**COTTON.**—Without enquiry, and remains without alteration.

**SALTPETRE.**—From the limited operation consequent on the scarcity of tonnage, and the accumulation of a large stock in the market, prices continue to give way. The transactions reported, are principally on French and American accounts.

**SUGAR.**—Is also in limited enquiry, but we have no change to notice on our last quotations. A few pur-

chases have been made during the week for shipments to Liverpool.

**SHELL LAC.**—Very little yet doing for the English market, and we have no change in prices to notice. The purchases reported are principally on American account.

**LAC DYE.**—Dull of sale, and prices continue low.

**DRY GINGER.**—Remains at last week's currency. The transactions reported, are for France and America.

**HIDES AND HORNS.**—Are in limited enquiry, and operations are confined to a few parcels to America. The stock in the market is large, and prices are giving way.

**OIL SEEDS.**—A few transactions in *linseed* continue to be made; but prices have experienced a slight fall since our last.

**SAFFLOWER.**—Without enquiry, and remains without any change in price.

**GRAIN.**—The scarcity of tonnage, has suspended operations in rice, and the prices of the day are reported at a decline on Patna, Patchery and Moonghy rice.

**OPIMUM.**—So little of the new drug remains in the hands of the Bazar speculators for sale on the spot, that prices are quite nominal. Old Benares has declined considerably, and is in fact unsaleable on any terms.

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# THE CALCUTTA MONTHLY JOURNAL.

ASIATIC NEWS.

1838.

ARRACAN.

*Aeng*, 20th Dec. 1837.—In entering on the subject of my present communication, I am not ignorant that a very able and excellent report on our eastern frontier has been written by Capt. Pemberton, and was published on a limited scale at the expense of the Supreme Government in 1835. It is, therefore, with extreme diffidence, I venture my crude observations before the eye of criticism.

The only value, I may flatter myself, that is likely to be felt for my "pencilings by the way," is the novelty they possess. It is probable that no description of the pass of *Aeng* has appeared in print since the publication of Capt. P.'s report, and it is on this supposition I send you the communication in hand.

During my progress I took daily notes of every thing worth recording, and, knowing general taste is never satisfied by a mere route description, the physical characteristics of a country, I have endeavoured to blend the amusing with the useful, thus designing the captivation of readers of every calibre.

Those few who have already perused or have in possession Captain Pemberton's description of this celebrated pass, will, I have no doubt, grant me an especial indulgence, and I beg them particularly to consider me, in reference to the captain, as a cockleshell following in the wake of a seventy-four. However, if I cannot be so instructive, my style of description may be more pleasing to the general mass of newspaper readers, than it is possible for an official report to government to render his; he must walk steadily the plank. I may vault from earth to heaven, digress from this point to that, "without any circumstance whatever," as Mr. Weller senior has it. But a truce with thy nonsense to thy notes, Oh! Mugh.

On the 12th of Dec. L—— and your correspondent left *Aeng* and proceeded on foot towards Jeddinchakain, the first halting place en route to the Yoomadong mountains.

Our camp consisted (coolies included) of near 150 men. The coolie of this country is generally of the Keyn tribe, and as coolies they are very useful, neither bullock, nor wheeled vehicle of any kind being procurable. The road for about a mile runs through partially cleared jungle, among which the gurjun and jarool trees flourish as grandees of the forest. After completing this distance, we crossed the *Aeng* river by a bamboo bridge. The river here was not fordable, and the tattoos were obliged to swim half the distance across; in width it appeared about 100 yards. On the right bank is situated the new village of *Aeng*, by Captain Pemberton denominated Yodowest, but I could find no native who knew the place by this name, they all call it Upper or new *Aeng*; and of the two villages this has by far the

most respectable appearance and the best bazar. The Soggree is himself a Shan, and all the Shan itinerant merchants bring their goods to the market of the new village, instead of to the old as formerly. The site is, of course, more convenient for all traffickers coming from the east; it not only saves them a trifling distance, but the passage of the river.

Here we paid a visit to the Soggree, whose person and establishment deserves to be honoured by an elongated paragraph, much more prolix than his worship is likely to receive from me: however, I shall expend a line or two on him, and proceed on my journey.

My friend the Soggree, as I have stated, being a native of the Shan country on the north-east frontier of Burmah, has much the appearance of a Chinese. Though venerable from apparent age, his person is ridiculous; he looks more like a skeleton *vivant* than a man (as one in authority should be) prone to obesity. He has further the misfortune to possess but one eye, which gives his cadaverous visage a most grotesque expression, resembling nothing that I know of either in heaven above, the earth beneath, or the waters under the earth; but if I could not help smiling at the figure the man in office displayed, I was not the less pleased by his activity in procuring us tattoos for the journey: this being our principal object in paying him a visit. Whilst the old gentleman was thus usefully employing himself in our behalf, I could not but regard with admiration the commanding presence of his lady, who strutted about to and fro with the dignified demeanour of a Lady Mayoress, little suspecting the sly flirtation carried on betwixt his daughter, a damsel of promise, and a gentleman who shall be nameless. At length the tattoos were brought, the one for L—— had the semblance of an ancient European saddle on its back; that destined for your humble servant was equipped, according to the most approved primitive, or antideluvian style, on each side dangled two rusty implements probably intended to do the office of stirrups, the base of whose angles I could cover with the breadth of three fingers, and so unsatisfactory was the *tout ensemble* that I did not on the present occasion attempt to mount, rather preferring to pad the hoof or mount the elephant which accompanied us. Accordingly, we again pushed forward as we had come, for L—— was as much inclined to walk as myself.

The road on this march runs over tolerably level ground, but two bridges are required to replace those now in decay over two small nullahs, whose banks are very precipitous. The road, generally speaking, was good, but impracticable for wheeled carriages for want of bridges over the nullah above noted. We crossed the *Aeng* river by a bridge similar to that at the new village of *Aeng*, at a place called Zademow ghaut, but the stream was here fordable; on the other side there is

a small village peopled by expatriated Burmans. On the line of road, I observed wild plantains and a creeper resembling, in all but the aroma, the hop. On the breasts of the hills adjacent, grew a considerable portion of bamboo mixed with jungle tree of various kinds, though no other particular change showed itself on the general features of the country. About a mile and a half in advance of Zademow, we again found the river crossing our path at a place bearing the appellation of Khongwa Zukan. Here we exalted ourselves on the elephant, there being no bridge, but the river was not deeper than two or three feet over this passage. About two miles from this place we reached our halting ground, Zennet Chakain, where a shed has been erected capable of receiving and giving shelter to perhaps one hundred men.

The river runs close by, and a bathe after our journey being determined on, we enjoyed ourselves luxuriously, for the water was clear as crystal, and as cold as we could conveniently bear it. On the reverse side was a high rocky bank, overhung by a luxuriant vegetation, which gratefully shielded us from the rays of the sun. The encamping ground is (including the space covered by the shed,) not larger than two hundred men can conveniently bivouac on.

At noon the thermometer was 90° in the sepoys' pall and 85 under the shed. Feeling the heat rather unpleasant, we made a retreat into the jungle for the purpose of enjoying a little refrigeration, but were soon driven out again by an army of musquitos, who seemed desirous to monopolize the shade themselves to the exclusion of all intruders.

We were now beyond the influence of the tide, and as the old village of Aeng is forty-five miles from the mouth of the river, I expect the tide, excepting at spring, does not flow many miles above. As it was here I first made the observation, I may as well describe some peculiarities regarding the Kyens, who acted as our coolies. They are a hill tribe and little better than savages; however, they are very useful in carrying burthens up and down hills where men of the plains find a difficulty in carrying themselves. Every article that can be put in a basket is carried in one of an oblong formation, having a loop fixed to the top made of split cane, and a strip of split cane goes round the centre, the former, the Kyen puts over his head, fixing it round his temples, while he fastens the ends of the strip below round his waist, this keeps the basket in a firm and proper position, and gives the man the free use of his hands while travelling. Other articles such as tents, beds, &c. are either slung on a bamboo or carried on a kind of bamboo ladder, supported by two or more men according to the weight.

As soon as night began to approach, I noticed the simple people making a shed for themselves from the bamboo covered by its leaves, to arrest the heavy dew that invariably falls in this climate. This would be the best plan for sepoys when marching in this country; to suppose a tent can be carried for an army of any size, would be entirely out of the question. The coolies receive here three annas a day, so high is labour on account of the thin population of the province. The encamping ground here is capable of being made available for a regiment, supposing we bivouac and bring no tents, or at least do not pitch any. The jungle is not of such a nature, but that if every man carried a dow or axe of the country he might soon cut a convenient place to esconce himself in for the night; and, in marching a regiment through this province, it would be desirable that every man should carry a dow on his knapsack: it seems to be a *sine qua non* among the people of the province. At sun-set the thermometer was at 72°.

13th.—Two hours before sunrise ther. at 62°; marched at day break for Surrowah, supposed distance eight miles. The whole of this march is through a bamboo jungle,

in many parts forming an arch over the road, which was saturated with dew dripping from the foliage above. We now seemed to have left what little civilization we had before seen, entirely behind us, for only a single Kyen but perched here and there on the side of a hill, partially cleared of its bamboos and other jungle, was to be observed the whole of this march. We passed two steep ghauts, one at an encamping ground called Peenozukan, the other immediately on our approach to Surrowah, besides two small hill streams, whose banks were very muddy and precipitous. From Peenozukan we enjoyed an extensive view of the hills around us, embellished with all the beauty of light and shade derived from the lustre of a rising sun. I had mounted the elephant at the foot of the last hill that intervened 'twixt us and our journey's end, but found the descent so very precipitous on arriving at its summit, that I preferred trusting my own legs for the slippery adventure of descending; the hill being of a red, firm, clay soil, was of considerable advantage, or I might have gone down considerably faster than would have been desirable. At the foot of the descent, we crossed the Surrowah river by a bamboo bridge, though it was fordable, being no where over the part where the bridge was erected more than four feet if quite so deep. This brought us to Sorrowah or Thorowah, as it is pronounced by the natives. Here the Arracan locals have a post for the protection of the inland trade between Arracan and the countries ultra the Yoomadong Mountains. A number of Shan travelling merchants were here on our arrival, and I made some trifling purchases of cloth, twenty-five haits for the rupee, and of Shan pawn boxes at one rupee each; these are japanned, with fast, or pukka colors, and are perfectly pliable to the pressure of the hand. The bathing place here I thought preferable to that at Zeunet Chakain where the rough pebbles form an uncomfortable footing; here the bottom was composed more of fine sand than pebbles. Here I relieved the old detachment by the new, and right glad were the former to leave the jungle, some having been located here upwards of two years. I found ten sick; these were permitted to proceed in dingies to Aeng; the river being navigable as far as the Thorowah, by small boats of this kind, at this season of the year. Here I should have ended my labors and have returned, but for circumstances which it behooved me not to mention; at least I am not aware I am at liberty to make public the reason of my advancing further towards the frontier. Thermometer at noon 88°.

14th.—Thermometer at 4 A.M. 72°, altitude of Thorowah 147 feet: march at daylight accompanied by a guard of 1 havildar, 1 naick, and twelve sepoys, for our especial protection through the dangerous country we had to pass. At the very commencement, we encountered a hill that set us all piping, and before I reached its brow I was too glad to ascend the re-mount on the elephant, who was sorely put to it herself, for instead of walking she bent on each knee at every step upwards. There were but few trees of any size to be seen on this portion of the road, bamboo being predominant every where. About half way on our descent of this vast branch from the great line of the Yoomadong mountains, we crossed a hill rivulet well situated to refresh cattle and the wayward traveller. After the fatigue of the ascent on either side, crossing this small stream, we still kept descending for half a mile, when we had another steep ascent before us; indeed these ascents and descents formed the principle features of the road on every march, excepting that we had more of the former than the latter to plod over, ascending on an average one foot in twenty. Two halting places were noticed on this march, both on high ground, but no water, excepting at considerable distances below; on these places grew a few trees, but bamboo jungle absorbed the sight as far as the eye could reach. At the last of these open halting spaces called Mengzukan, we

had a very extensive and magnificent view of the hills, including parts of the Yoomadong principal range.

The road on this march in many parts was excessively narrow, not more than two or three yards wide in many places. Much clearing is requisite, and my progress on the elephant was considerably retarded by branches of trees and bamboos intercepting the passage. On the descent from Mengzukan, we met about 100 laden bullocks, going to Aeng with merchandize from the Shan country, which lies on the north-east frontier of Burmah. The cattle were in fine condition, but the loads did not appear heavy, and it is usual for the conductors of this trade to be ten or eleven hours on a common stage of ten miles; they make it a custom to rest at almost every convenient spot to smoke, &c. and that they may always stop when they are inclined, they take the necessary precaution of carrying water with them in large hollow bamboos, tied in bundles of three or five; these they take in such quantities as to serve for themselves and cattle for at least as many rests as they require, where water, as on this road, is a scarce article. About half past eight, arrived at Guatcha or Netzazukan, on the ridge of a connecting link overlooked by a steep ascent, on whose summit a large encamping ground is found, but we preferred for our small party the lower ground, on account of the water being nearer. Descending to the right, I found the spring. Very little water was procurable, but were the rock, which is of a soft slate, scraped, and a cistern formed, enough water would be found for the cattle of a considerable camp. A temporary dam of mud and bamboos alone partially retained a very small pool at the foot of the spring. The water for our own use we caught from a split bamboo thrust into the fissure, from whence this valuable element issued, or rather dribbled: by this means we increased the flow, and at the same time avoided the contamination we must have incurred by drinking the water from the muddy pool below, into which one of our niggers unceremoniously trod, disturbing the secreted sediment at the bottom; to say nothing of the agreeable tincture his foot must have given so small a body of aqueous fluid. The descent to this spring is of necessity serpentine in formation, and a mere foot-path through the bamboos, its distance from the road may be computed at about 200 yards. Distance of Guatcha from Sorrowah computed at about five miles. Not even a Keyn but visible, or one resident inhabitant since leaving Thorrowah. Thermometer at noon 84°, altitude above the sea according to Pemberton, 1,476 feet.

Start at about three P.M. and proceed as far as Waddai or Waddat, immediately at the base of the ascent on leaving Guatcha, a fall of the hill above has taken place, carrying part of the road with it, and rendering the passage unsafe, or apparently so for an elephant, our's however managed so well as to get by without falling down the precipice on the left. The road must be cut farther into the side of the hill to make it secure, or on the first shower the mere foot-path now remaining will assuredly descend into the deep ravine below. The ascent after the first part became more gradual, the road running round the shoulder of the vast hill we were advancing over; the road was tolerable and passable for artillery excepting at the place above mentioned, where a new road of about fifty or sixty yards must be made. Arrived at Waddai about five o'clock, visited the spring which is on the right of the road; more abundant than at Guatcha, but a greater distance by 100 yards.

Our ground was on the road, as most of the encamping places are; before us for our especial comfort and contemplation, we had the view of a steep ascent, upon whose steep and rugged sides it would behoove us to wend our way on the following morning. Face of the country, covered with bamboo unlimited to sight.

15th.—Thermometer daylight 64°: commence our march to Karowkee by winding up the hill before us;

find the road little better than a watercourse or ravine, intercepted occasionally by blocks of sand-stone of considerable gravity; on the summit of this elevation is a large open space capable of encamping a brigade, but no water nearer than from whence we came below, or probably at the foot of the hill, in front, among the ravines formed by the inferior roots of the great eminences around. The road from this point is much better, and no considerable descent is made. Our old friends, the bamboos, we now remarked, became scarce, and superceded by fine forest trees at about three miles from Waddi. And now, Mr. Editor, while we traverse about two miles of tolerably level road, let us discourse of the sporting qualities of the country. Until we had attained this point, our guns had not once reverberated among the hills, or startled silent nature by a report. This march, however, we took the precaution of leading or heading our small and trusty band, making the baggage follow in the rear, supported by a naick and four. We had just cleared the brow of the hill, when we espied a gallant cock strutting on the verge of the road, but the gaily plumaged hero was wide awake to the villainous effect of the saltpetre compound, and after a vain pursuit we advanced gun in hand. Alas! there was little use in this, for the only birds that fell in our way afterwards, were four chikores, one of which I sent over the precipice far into deep jungle, where no mortal foot e'er had or could have trod, save for his own protection. A sportsman on this road had better leave his gun in case, for although there are a few fowls and chikores, yet the thick jungle and the steepness of the hills on every side almost prevents the possibility of bagging. On leaving the bamboo, we got into a more open jungle, and gradually into a magnificent forest, the altitude of many of the noble trees we saw was immense. Most of these were on the side of the Nodong mountain, around whose colossal form our circuit lay. I here note some angiospermous shrub from whose white bulbs I pressed a number of black round seeds. I regret I have not brought any with me, as the odour of the plant was very agreeable. Here also we made acquaintance with a variety of mosses encasing the trunks of trees and clothing stones with their verdure. A species of palm tree was here discernible. My geological notes only refer to the nature of the road itself, and that part of the soil which was exposed on the side of each hill around which the road has been cut; at this height about 3,000 feet, in a depth of incision of about four feet, a stratum resembling fuller's earth embraced another of the depth of two feet, consisting of ferruginous soil, winged with slate approximating the appearance of coal; detached masses of this slate rock, by exposure to the air, had become of a lighter complexion. The road requires much clearing, the trunks of several trees now lying across it, inconvenience the traveller very considerably. On reaching the highest part of Nodong, we began to breathe much pure air, and it was evident to our sense of respiration, that we had attained a considerable elevation above the close jungle of the minor hills. Here too, we enjoyed a more extensive view than hitherto, shut in only on north-east by the still greater altitude of the Yoomadong range and the cone of our supporting height, which intercepted the picture to the south-west. After resting here awhile, we made a considerable descent over a very bad road impracticable for artillery in its present state, but capable of being made available at no great expense of time or labor.

After overcoming all obstacles without any accident occurring, a gently rising ground brought us to the foot of Natyagain or Naregain, at a halting place called Karowke, at an elevation of 3,165 feet above the level of the sea. Here we found water and a better ground for our camp than that generally used, by making a descent to our left; here we were within 100 yards of the spring which issued from the interstices of the magnificent Natyagain, beneath whose commanding presence, we



were encamped, shaded by the lofty and gorgeous foliage of a forest whose mighty tenants bent gracefully their sun-gilted boughs to the mountain breeze.

But amid romantic scenes, the little wants of life will force themselves upon our recollection, as well as in the crowded city or the solitary cell. Soon therefore had we the satisfaction of watching the arcana of our breakfast preparations, while the truant smoke ascended, courting in wantonness the morning air. Well might human nature be a prey to appetite, after such a walk as we this morning had taken.

After discussing eight or ten eggs mingled with some thin slices of an especial briquet of my own selection, and making an addenda of sundry sardines, plum jam, and Wilson's biscuits, confirmed by no given quantity of Bass's imperial, we lit our manillas and began contemplating the ascent of Natzagain, whose lofty and o'erstowing brow we had fully determined on forming an acquaintance with. Accordingly, taking a few men with us we set out about twelve o'clock for the purpose. And here Mr. E., I must confess, I became amenable to the Martin act, *id est*, had the circumstance occurred in Great Britain or Ireland. I have no where stated that I had urged or exacted assistance from the miserable looking tattoo, whose garniture had the honor of my previous notice. But to ascend Natzagain I had no alternative, for had I attempted to scramble up, I should (like merry Jack) have so larded the lean earth, that every soul who might attempt to track me, would have made as much progress as a turnspit at work, a squirrel in a trundle-cage, or a gentleman at the treadmill. I determined to mount the aquiné quadruped out of mercy to my fat sides, and for stirrups, I supplied my extremities with supports by stringing a small rope double over the saddle, inserting my feet in the dependent loops. Thus the shadow of a Hudibras in horse equipment and person I marched me up the hill, nearly finding my way to the ground, though on more occasions than one my villainous apology for stirrups and leathers, not being properly made fast on the saddle, began trimming like a member of parliament who cannot make up his mind as to which side he may find it his interest to support, first on one side, then on the other, according to my preponderance of pressure. At length, by dint of a most strenuous exertion on the part of my tattoo, who was much better and stronger than his looks at first led me to suppose, I found myself safe on the summit of the mountain, and 4,590 feet above the sea.

Here a most splendid panorama presented itself: for on one side at a distance, perhaps of sixty miles, like a reflector, interspersed by numerous blemishes, lay the Bay of Combermere, with all its connected estuaries resembling streaks of silver on an emerald ground; above and about us, rolled vast volumes of murky clouds, obedient to the sightless couriers of the air, ever and anon unveiling the mountainous region below to our wondering gaze. Having satisfied our curiosity on this side the mountain we made an advance 'over the border' and there we stood, as Moses stood, 'and viewed the landscape o'er,' though the atmosphere on this side was misty. 'We children of the mist' saw with admiration the vast champaign country, as it were, flowing with milk and honey before us. The descent on this side is much more precipitous than on the other, averaging one foot to ten. From the point on which we obtained our observation, the Irawattie and Man rivers were distinguishable, gliding through what possessed the appearance of a highly cultivated country. The minor eminences on the Burmese side extend but a short distance from the great ranges, at least by the *coup d'œil* with which I was obliged to content myself, such was the impression effected.

We now returned to our own side the boundary, and drank success to the next war.

The few separs we took with us seemed to look with envy on the fine plain of the Irawattie, so different was the aspects of their own country, compared with what they beheld on the Burmah side.

On the summit of Natzagain, a few posts, and a double trench, still mark where the Burmese had a line of stockade for the defence of the pass, while a hollow, whether natural or artificial, I could not determine, has evidently served for a reservoir for the retention of rain water. The only inhabitants of these hills appear to be apes. While we were ascending, we heard them making a kind of barking noise, but did not get a sight of any. The ascent to the summit is carried up the face of the mountain in a zig-zag formation, but is very difficult on account of the looseness of the ground and slate rock, with which it abounds. About half way on the ascent, was a large pile of stones, and every man as he passed by, added to the heap, by throwing a stone on the muster. I enquired the reason, and was informed, that it was a species of devotion paid to the spirits of the mountain, by the observance of which they hoped for strength to overcome the difficulties of the ascent. After enjoying ourselves in the cool mountain air for half an hour, we made the best of our time in descending; the only difficulty being in keeping a proper equilibrium, and a firm footing on our precipitous path. Thermometer at moon in tent at Karowkee 70°, sunset 65°. On the 16th at day light 62°. This morning returned to Waddi, but having exhibited the general character of the country on my advance route, and noted every difficulty worth recording that may be expected by others, whose lot it may be to follow this track hereafter, recapitulation is unnecessary and uncalled for; I shall therefore conclude by a few general remarks, with an addenda of some particulars obtained from native report, of a route called the Paing, or Peang road diverging in a north easterly direction from Waddi, across the Yoomalongs into Ava as far as the banks of the Irawattie. In the course of narration I have had occasion to mention a hill tribe called Kyens, but there is one practice current among them which has met with neglect from my pen. In former times, report says, the women of this tribe possessed an uncommon share of loveliness which rendered them objects of attraction to the oppressors of their country, and led to the abduction of the fairest and most beautiful among them, by the ruthless bands of foreign despots. To prevent these occurrences the chiefs and elders of this oppressed clan devised the cruel operation of tattooing the faces of their female offspring, deeming the beauty of women, as nothing compared with the loveliness of chastity. I made no particular enquiries, but give it as my opinion, that no matron had a voice in the conclave when the tattooing act was passed, and the young ladies were positively excluded. The process of creating fire by friction, also came under my inspection; but a this is an act of savage life very generally comprehended, I merely notice the circumstance in a casual manner, as being a means of ignition generally in use among these, as with savages in other quarters of the globe.

On the inland trade from Shan and other states tributary to the Burmese monarch, I must quote rather from report than ocular demonstration. The number of bullocks annually visiting Aeng, or Yowadeat averages 10,000;\* the imports consisting of the following variety, *viz.* bees' wax, called juree, khut, an a stringent eathe with pawn, chownakah, a bark used in the arcana of a lady's toilet apparatus, cotton, kappas, threads, red, black and white, shan pawn boxes, sweet oil, a small kind of onions, tall ka goor, a coarse sugar, Burmese dhows, for wood cutting, silks of various patterns,

\* Average in P.'s report stated to be only 3,000 in the years 1834 and 1835.

some very pretty, and resembling Scotch plaids, mustard deod. The returns are mostly, salt, dried or salted fish and beetlenut.

The silk appears common enough, (not in texture,) for every man who can afford it generally glories in a silk. At Akyab I have noticed chupkuns in addition, made of black velvet, richly flowered, generally worn by the Mughs on high days and holidays; these I presume are imported from China.

Of the road commonly called 'the Paieng road,' I have learnt the following particulars from those who have passed over it, viz. the Shans.

Route from Waddi in Arracan to *Choungprewguine* on the Irrawattie; so pronounced by the natives to me.

#### ARRACAN.

1st. Dubbrubang—on the Aeng river, distance four miles, encamping ground small.

2d. Tantobain—water scarce, distance ten miles.

#### BURMAH.

3d. Shakaguen—village and chokie twenty-five huts fourteen miles.

4th. Thenahun—village and chokie, twenty huts, eight miles.

5th. Paieng—300 huts, on the Khekeong nullah four miles.

6th. Mongkeong—road by, or in the bed nullah, eight miles.

7th. Keothewah—Keong, road ditto, distance thirty-six miles.

8th. Chungprewguine—Irrawattie river, distance twelve miles. Distance from Waddie to Chungprewguine, by native calculation of two miles to the koss, about..... 96 miles.

From Aeng to Waddie about..... 24 "

By this route total. 120 "

Distance from Aeng to Memboo on } 102 "  
the Irrawattie via Nazagain .....

N. B.—In the above distance, both may be made *ad. lib.*, the road being along the bed of the nullah, from which water can be procured in the driest season.

Here are two branches by which two divisions might debouch on the plains of Ava, by regulated marches at, one and the same time. But I have reason to suspect the Paieng pass is not practicable for artillery or wheeled carriages of any kind. The Shans, whom I questioned, said it was too rocky way; this we may easily suppose when one half the route has no better claim to the name of road than what the bed of a hill stream may chance to afford. However, in the case of a rupture with the Burmese, there is every probability that a light division may traverse this route if capable of carrying provisions for twelve days, leaving a depot at Waddie, where a stockade may be formed, as a support to the advanced divisions on either route. For this purpose, there is a very advantageous site at Waddie, commanding a watering place, and immediately on the main road. The only disadvantage of this position is on account of its being commanded by the steep ridge in its immediate front, though the distance is so great as to be scarcely within the range of musketry. But once our divisions are heard, there would be no fear of an attack on the depot, in their rear especially, if both the Peang and Nazagain routes are in occupation.

I shall here bring my account to a conclusion by remarking, that the probable expense requisite to make the Aeng Pass on the Arracan side practicable for the passage of artillery, and to build wooden bridges over five hill streams flowing between Aeng and Surrowah, to obviate the obstruction formed by them at all seasons, would not exceed Rs. 5,000 and it is to be hoped, when an official report of the present state of the road shall have been made to Government, that honorable body will be sufficiently alive to its own interest, and the protection it naturally owes to its subjects, to accede to the just claims this (politically speaking) important province, has on the distribution of money from the public purse.

'If it be done, 'twere well 'twere done quickly.'

—Or write me down a—

Englishman, Jan. 24, 25 & 26.]

MUGH.

## DISTRESS IN THE UPPER PROVINCES.

It has rarely, if ever, been our lot to record the proceedings of a meeting so highly honorable in every way to the humanity and public spirit of the inhabitants of Calcutta, as that which took place yesterday afternoon at the Town-hall, having for its object the consideration of the best means of alleviating the distress of the population of the western provinces. Notwithstanding the numerous calls which have been lately made upon the finances of the community, for worthy and honorable purposes, every body seemed to feel that the present was an occasion which left no excuse for parsimony, founded upon past liberality and indulgence. But we must briefly record the proceedings.

At about half past four the meeting began to assemble, and by five, upwards of one hundred and fifty persons, comprising the principal inhabitants of the town, and a great many natives, had collected.

The Lord Bishop being called to the chair, at the instance of Sir Edward Ryan, seconded by Mr. W. W. Bird, His Lordship obeyed the call, and addressed the meeting at some length, expatiating upon the condition of the perishing thousands—stating what the Government had done towards the mitigation of suffering, and what it now behoved the public at large to do. His Lordship was glad to see so many natives assembled on the occa-

sion, and in his own simple but impressive manner exhorted them not to be backward in the work of benevolence at a crisis so momentous to thousands of their countrymen. Mr. R. D. Mangles, to whom had been entrusted the first resolution, rose when the Bishop had concluded, and, after felicitously adverting to the obligation imposed upon men of all creeds and kinds to perform the offices of charity to the poor and the hungry, read the following paper, which sufficiently explained what had been done by the Government of the north western provinces, and what was expected from the private bounty of the community at large:

#### NOTE.

By J. Thomason, Esq., officiating secretary to the Lieutenant-Governor, north western provinces, dated —.

The efforts of Government for the alleviation of the distress in the north western provinces have been directed:

*First.*—To a suspension of the demand for the Government jumma.

*Secondly.*—To the employment of the able-bodied destitute on works of public utility, such as the construction of roads, the excavation of tanks, &c. &c.

**Thirdly.**—To the preservation of the public peace, and more especially to the protection of the trade in grain.

**First.**—The regulation of the demand on behalf of the Government has been left chiefly to the Sudder Board of Revenue, in whose views on the subject, the Government coincide. They entirely suspended the first kist or instalment, and made the two next very light, throwing the weight of the collections on the latter kists. As, however, the year has advanced, the agricultural distress in the centre of the Doab and along the right bank of the Jumna has greatly increased, and of course all attempts to realize the heavier kists will be abandoned. In the districts where the settlement has not been revised, the suspended demand will be allowed to lie over till the revision of the settlement, and will then be recommended for remission or realized according as the circumstances of each village require. In the districts where the settlement has been revised, an attempt will be made to recover, during the latter years of the leases, the suspended demand of this year, in conformity with the principal on which the settlement was made. The realization of this expectation evidently, however, depends on circumstances which cannot now be foreseen. *Tucaves* advances for seed grain have also been largely given, and this mode of relief may be here appropriately mentioned.

**Secondly.**—The employment of the able-bodied destitute, on works of public utility. This was at first restricted in amount, but as the distress increased, the magistrates have been empowered to grant employment to any amount with a view to the support of the people, and not with any expectation of a profitable return for the capital laid out. Inclination to work was in fact adopted as the test of degree of destitution. Gratuitous support of the infirm was not given, as this appeared a more appropriate object for the private charity of individuals, which was generally and liberally bestowed throughout the country.\* It did not also appear practicable to lay down rules which should admit of this mode of relief by the Government, without liability to very great abuse. The officers employed in the construction of the grand trunk road, were also empowered to expend each Rs-2,000 per mensem, in the employment of the destitute, and a supply of blankets to the most deserving was sanctioned. In the Cawnpore district, where the revenue and magisterial functions are performed by different persons, the deputy collector has been especially empowered to employ the destitute in the distressed pergunnahs of his district, as far as may be practicable, in the neighbourhood of their villages. It is anticipated that this may be advantageously performed through the agency of the *hahseeldary* establishments, under the personal superintendence of the deputy collector.

**Thirdly.**—The preservation of the public peace, and more especially the protection of the trade in grain, extensive disorganization of the agricultural population, has been the natural result of the distress. It first arose in Rohilcund, but was checked there by a timely fall of rain. It then broke out in the Allygurh, and Furruckabad districts, and last of all in the Delhi division. In the last case it was quickly and entirely suppressed, but in the former, although its extreme violence lasted only for a short time, a frightful increase of crime has continued for a long period. Stores of grain, boats laden with grain, and *Brinjerrah* bullocks have been the main objects of attack; but in many cases, violent and designing men have been able to work on the necessities of their fellow creatures, and engage them in more general schemes of depredation. The natural liability to disorders of this kind was heightened by the freedom of the trade in corn,

proclaimed and enforced by the Government, and some unaccountable impression which obtained currency amongst the people, that crimes of the kind would be condoned at. The distressed districts are mostly corn-growing countries, where large quantities of grain are usually stored in the several villages by capitalists, who buy up the surplus produce of plentiful years. An ignorant population were driven to exasperation, when they saw these stores opened before them, and the grain for the want of which they were starving, exported to a better market.\*

As soon as occurrences of this nature were foreseen or reported, full authority was given to the commissioners to strengthen the police sufficiently to provide for the public peace. The energetic measures which were consequently adopted, proved successful, and confidence was soon re-established.

Subsequently events have confirmed the soundness of this policy. As the season advanced, although the distress increased, and prospects became more gloomy, the grain merchants opened their stores as soon as they were assured of protection, and price fell rather than rose. It only remained by affording employment to the destitute to place within the reach of the food which was exposed for sale.

It is hoped that these measures may have some effect in lessening the injury which the country will suffer from this heavy affliction, and it is gratifying to hear from every quarter, that wealthy landed proprietors are emulating the example of the Government and not merely abstaining from any demand on their tenants, but even expending large sums for their support. It must, however, be some time before the country can recover. The cattle have perished in numbers; the people have emigrated, or been swept off by the diseases which want and exposure engender, and time will necessarily elapse before the cattle can be replaced or the villages re-peopled.

(Signed) J. THOMASON.

(A true copy)

W. H. MC NAGHTEN,

*Secy. to the Govt. of India with the Govr. Gen.*

Mr. Mangles mentioned that the revenue remitted by the Government amounted to not less than *sixty lacs* of rupees. He added what was now required of society was not grain—for of that there was sufficiency—but money wherewith the local authorities might purchase food for those who were without it. Mr. Mangles finished by proposing the following resolution, which was seconded by Russomoy Dutt, who earnestly dwelt upon the importance of his countrymen's coming forward on the present occasion. "The Government," said the worthy Baboo, "has done its duty."—the Europeans would doubtless do theirs:—it was for the natives to shew that they were not backward, when so serious a call was made upon their bounty.

"Resolved, that authentic information has been received of the existence of the extreme distress, in consequence of the draught in certain parts of the north western provinces, and that, under the orders of the late Lieut. Governor, measures for the relief of this distress have been taken by Government by the remission or suspension of the public demand for revenue, and by directions given to the civil authorities to afford employment without limit, to all persons willing to work. But the Lieut. Governor did not deem it expedient to sanction the grant of eleemosynary aid from the public coffers to persons unable to work. That this meeting is of

\* The native inhabitants of Furruckabad deserve special mention. They have formed themselves into an association, who systematically and carefully distribute the large sums, which they raise by subscriptions amongst themselves.

\* Evidently ignorant of the first principles of political economy.

† Tajendoss Hossain Khan in Cawnpore, Loomer Singh, Agra; Petumbar Singh, Muttra and Allygurh. I happen to remember.

opinion that it is the office of private charity to step in to supply the void above alluded to, by affording, as far as possible, the means of support to the aged and the young, and to those too infirm to labor."

The resolution having been unanimously carried, Sir J. P. Grant addressed the meeting with his usual good sense, good taste and feeling. He recapitulated some part of what had already been laid before the meeting—added thereto some facts of which no mention had been made—urged expedition in the collection and transmission of subscriptions, and by way of encouraging all who had the means of contributing in ever so small a degree, not to be deterred by the smallness of their donations: he spoke of the acceptability of the "widow's mite," and mentioned two or three instances of large accumulation through trifling donations. Sir John then proposed the following resolution which was seconded by Rushtumjee Cowasjee :

"That with this object, a subscription be opened at both the banks, books be circulated and other measures taken to invite the contributions of the public, and especially of the native community for the relief of the dreadful distress known to exist in the north western provinces."

Baboo Prosonno Comar Tagore proposed the third resolution, prefacing it with the highly gratifying information that his friend Neilmony Day, on hearing of the prevailing distress had sent up to Government 500 rupees, to be applied to the purposes of relief, and the munificent Dwarkanauth Tagore (whose bounty is as boundless as the deep) had authorised the subscription of a similar sum, if any attempt should be made in Calcutta to assist the sufferers in the western provinces.

**3d Resolution**—That the following gentlemen be requested to form themselves into a committee to realize the subscriptions, and to dispose of them to the best advantage for the contemplated object :

Mr. Thos. Holroyd, Mr. W. Bird, Capt. Birch, Mr. W. Martin, Mr. Tucker, the Archdeacon. Mr. W. Prinsep. Mr. George Alexander, Rev. Mr. Fisher, Rosomoy Dutt, Prosonno Comar Tagore, Ramcomul Sen, Ramlacant Deb, Nilmony Deb, Rustumjee Cowasjee, Muttyloll Seal, Mr. J. W. Alexander, Mr. Lindeman, Mr. E. Macnaghten, Dr. St. Leger, Rev. Mr. Charles, Mr. Alexander Colvin, and Mr. A. De Souza.

The business of the meeting having now nearly concluded, Sir Edward Ryan proposed the thanks of the assembly to the respected chairman, our amiable Diocesan, whose promptitude to answer the calls of distress, Sir Edward very happily and justly eulogised. Mr. W. Bird seconded the proposal with much becoming warmth, and in the course of a well-delivered speech did the Press the honour to acknowledge its instrumentality in directing public attention to the subject which the meeting had assembled to discuss. Sir John Peter Grant then, with much good humour, deposed the Bishop, and usurping the office of Chairman, put the resolution of thanks to the vote. The resolution being carried by acclaim, the Lord Bishop remarked to the meeting, (which was then dispersing,) that he thought the business of the day could not be better finished, than by every person present putting his name down at once for as much as he felt disposed to subscribe. The hint was promptly taken, and in the course of a few minutes, nearly fifteen thousand rupees were subscribed on the spot; the Bishop and Mr. Maddock subscribing one thousand each; Mr. G. Cheap, Mr. Wm. Prinsep, Mr. James Prinsep and Mr. W. Carr (by Mr. W. Prinsep) 500 rupees each; Sir Edward Ryan, Col. Powney and Mr. T. Smith, 300 each; Mr. Shakespear 200, Mr. Mangles 250, Mr. W. Ainslie 200, Mr. Hutchinson

200, and numerous others 100 rupees and 50 rupees each, while many natives of humbler rank and limited means, gave their gold mohurs. We should mention that when Sir Edward Ryan was addressing the meeting, he put in the following paper, containing subscriptions raised by Ruhtumjee Cowasjee, the perusal of which elicited loud applause :

Beneram Udditram Hemut Bahadoor, vakeel of the Guicowar.....	Rs- 2,000
Rushtumjee Cowasjee.....	1,000
Dadabhoj and Manarjee Rushtumjee of Canton	500
Walljee Rushtumjee and Cullenjee.....	500
Baboo Bunseedur Monohur Doss, of Mirzapoor..	250
Runcherdoss Munjee.....	25
Pallorjee Dorabjee.....	50
Jotha Rutchra.....	25
Monohurdoss Ameerchund.....	25
Moolchund Premjee.....	25
A. Apar.....	25
R. Belilios.....	15
M. S. Owen.....	16
E. J. Emin.....	16
A Friend to the Poor.....	5
P. J. Sarkies.....	25
A Friend to the Poor.....	10
Ditto ditto.....	6
M. A. Vertanes.....	10
P. A. Cavorke.....	16
A. Friend to the Poor.....	8
C. W. Lewis, Junr.....	5
A Poor Man.....	5
Mirza Mahomed Mendie.....	50
Gorochurn Poramanick.....	50
Ramanauth Tagore.....	100

Total.....4,761

When all present had signed the subscription paper, the meeting broke up, Mr. Mangles suggesting that it be an instruction to the committee to send up authority to the relief committees in the interior to draw monies for the purposes of buying grain to the extent that may at any time be subscribed. He seemed to think, and with good reason, that expedition in the present case is half the battle.

We are too much pressed for time to go further at present into the question of what is required of the country in this great emergency; but we shall not fail to recur to the subject until every Englishman and every native has done his duty.

We conclude by announcing, for the guidance of such of the committee as were absent at the close of the proceedings, that the committee will meet this afternoon at the Town-hall at four o'clock.—*Courier, Mar. 1.*

## MEETING AT THE SAILOR'S HOME.

At about quarter past 9 o'clock the meeting at the Sailor's Home took place where the number present amounted to ten gentlemen, among whom we noticed Messrs. Colvin and Cragg, Captain Vint, Balston, Frazer, and the Reverend Mr. Boaz. It was moved by Captain Vint, and seconded by Mr. Colvin, that Captain Frazer be requested to take the chair. It is necessary to say that several others joined afterwards.

Captain Frazer opened the proceedings of the day, by observing that when he was last in Calcutta, about three years ago, when an establishment like the Sailor's Home was acknowledged by many of his nautical friends to be greatly needed, and it rejoiced him considerably to find on his recent arrival, that a Home had actually been established. This intelligence was the more acceptable under the peculiar circumstances which brought him to Calcutta. The men of that unfortunate ship the *Royal William*, lately commanded by him, had now a comfortable home to receive them, where they were perfectly happy, and from whence they might hope to obtain respectable employment. He would not trespass further upon the time of the meeting with any observations on the utility of such an establishment, to which he was happy in giving his personal testimony.

Mr. Colvin stated that to give stability to such an institution, and successfully and permanently to promote its interests and usefulness, required the mutual co-operation of the commanders, owners and agents of vessels. That an unanimous determination on the part of commanders would render the assistance of others of secondary importance, and he hoped to find them associated together for this exceedingly useful and beneficial purpose.

The Reverend Mr. Boaz conceived that before proceeding any further in the business for which the meeting had assembled, a brief relation of the causes which induced the establishment of the Home, would be of service to it, and profitably occupy the attention of the gentlemen present. Long before the successful establishment of the Home, his attention was directed to those sinks of corruption denominated Punch Houses; which, with the pernicious system of crimping, extensively prevailed in Calcutta, fostering the demoralizing effects of idleness, the natural bent of the human mind

under temptation, and its uncontrolled indulgence in the use of ardent spirits. He determined to make the attempt of establishing a Sailor's Home, and was glad to say, that with the assistance of his fellow creatures and under Divine blessing, he had been enabled to carry his intention into effect. The success which had attended similar establishments in London, Liverpool, Leith, Boston and other sea-port towns, it was to be hoped would also crown their endeavours. In fact he had no doubt of the result, if the Home received the support of the mercantile and shipping community, whose well doing as well as that of the sailor depended upon its continued and respectable existence. Already he was happy to announce, one of the principal punch houses had been induced to close its doors, and he hoped that before the close of another year, all the minor sinks would cease to exist. From a statement which he held, drawn out from the police reports, it appeared that within the last six months, or from June to December, out of about 700 seamen, who had been living on shore, 386 were accommodated in punch houses, 303 at the Home, and the rest it might be supposed were in hospital, or straggling about the town. As a satisfactory evidence of the great utility of the establishment, and the benefits derivable from its operations, it was worthy of remark, the men who had resorted to the Home, were generally of good character and sober habits, and consequently when employed, invariably found capable of undertaking the performance of active duties, whereas men obtained through crimps, or from the purlieus of Loll Bazar and other places, had from long indulgence in liquor, and other debilitating vices, become so nervous, irritable, and shameless, that it was with difficulty they were made to keep to their engagement, while they proved unfit to do any manner of work, for some time after they had been on boardship.

Our time and space will not permit us to proceed as minutely into matters as we could desire; we shall therefore close this imperfect, but we nevertheless hope, acceptable report, with merely stating, that a general disposition to support the excellent institution seemed to prevail, and which practically carried into effect, cannot but permanently benefit the seamen of the port, and secure the interests of owners and commanders of vessels. We shall again revert to the subject on some future occasion.—*Hurk. Mar. 1.*

## FIRES AT BHOWANIPORE AND DESTRUCTION OF GRAIN GOLAHs.

About fortnight, or twenty days ago, a great fire occurred at Bhowanipore, which nearly destroyed the whole of the extensive Bazar at the place, consumed about 20,000 maunds of rice and grain and did not cease until a hundred and eighty thatched houses were swept away.

At the commencement of the present week another five destroyed about a hundred and fifty houses in the vicinity, grain and articles of consumption were also burnt. The Conservancy officers did their utmost, but a high wind and a burning sun rendered human endeavours almost useless, as the fire spread rapidly from one point to another.

We some time ago called the attention of the authorities to the necessity of protecting the grain golahs. The extensive, or perhaps large as yet exist at Balleaghat and Tallygunge. If the two last mentioned depôts are burnt, the laboring classes may be reduced to the distress that now exists in the north western provinces. Government should either protect the golahs, or purchase the grain and deposit it in some secure place.—*Hurk. March 2.*

## THE FIFTEENTH ANNUAL MEETING OF THE SOCIETY CONNECTED WITH THE PARENTAL ACADEMIC INSTITUTION.

The above meeting was held on Thursday evening, the 1st instant, and consisted of about fifty gentlemen, chiefly subscribers to the institution and parents and guardians of the pupils.

On the motion of Mr. M. Crow, seconded by Mr. C. F. Byrn, the Rev. Mr. Boaz was called to the chair; and with a few usual prefatory remarks, called on the secretary to read the report. This document commenced by lamenting the loss which the institution had sustained during the year in the death of Mr. Lorimer, the head teacher of the school. It then went on to detail the arrangements that had, in consequence, been necessarily adopted; one of which was, that several of the pupils of this school, who had been for years engaged in the work of education, had been promoted. This practice was followed by other public schools in Calcutta, and it was a cause of great satisfaction to the committee to think that the institution was enabled, to a very great extent, to look to itself for instruments for carrying on the work of education. The quarterly examinations had been held at the stated periods, and the annual examination took place on the 15th of December last. The report then enumerated the various branches of education in which the pupils had been examined, which was followed by extracts from the newspapers giving an account of the examination. The improvement in the tone of education pursued at this and other similar institutions was adverted to and mention made that this was the oldest institution of its kind, and had a large share in producing that improvement. A list of the prizes awarded at the last examination, with the names of the successful candidates next followed. On the 28th ultimo, the number of pupils in the school amounted to 213. The resignation of Dr. Halliday, of the medical charge of the school, in consequence of his departure from Calcutta, and the appointment of Dr. F. Corby in his room, were noticed, and the reports of these gentlemen regarding the health of the pupils, which went to establish that the children had been remarkably healthy, in consequence of the great care and vigilance exercised over the culinary, the clothing, and other departments connected with their comforts. The pecuniary difficulties of the institution were the next points noticed; but a sub-committee had been formed to remedy the evil, and its arrangements had effected great savings, so that it was hoped this measure, added to the realization of the outstanding balances, would, in some degree, relieve the institution. The departure of Sir C. T. Metcalfe, and his parting liberal donation of a Rs. 1,000 to the institution, as well as another thousand from D. O. D. Sombre, Esq., formed the last topic of comment in the report, and it concluded with expressions of gratitude to all the supporters of the institution.

Mr. Kirkpatrick.—This institution is one of the first of the kind, and had, at its commencement, struggled with great difficulties; but it has successfully overcome them, which must be a source of satisfaction to all connected with it. The report had made allusion to the progress of the other seminaries, every one of which was, like horses in a race, endeavouring to gain the vantage ground in obtaining favour. Under such circumstances, and with a disinterested public, industry alone could command success. They would patronize the best candidate for their favor, leaving alone those that were going backward. By this an estimate could be formed of this

institution. It has been progressing onward, which in itself is an evidence in its favor. The meeting were not now called upon to record an opinion formed on the spot by the perusal of the report, but an opinion formed long before from other circumstances. Mr. Kirkpatrick alluded to the death of Mr. Lorimer, and to his zeal and undivided energy in behalf of the school. Considering the small recompense he got, how he wrote out his constitution in performing the duties of this seminary, he might be justly said to have fallen a victim to the cause of education. The annual exhibition was not, he thought, sufficient to enable the public to form a proper estimate of the qualifications of the pupils; he would suggest a plan followed in academies in England, which was to select one or two of the higher classes for examination, and propose to them a series of questions which had been registered, and record the answers which might be elicited in the course of examination. This would not only enable those who were present to form an opinion but the published report embodying these answers would enable those at a distance to judge of the school.

He then moved, that the report now read be approved and published for general information. Seconded by Mr. S. Chill, carried unanimously.

The chairman, in putting the question, remarked that Mr. Kirkpatrick had compared the schools to race horses; but he thought that a school to do well, required, like a horse, to be fed well. The meeting, therefore, could not properly approve of the report without doing something towards wiping off the debts of the school. He had been lately at a meeting of the Sailor's Home, where, under similar circumstances, every one present had subscribed, which example he expected would be followed here. The Wesleyan Societies in America, always kept themselves a little in debt in order to stimulate public charity; but he for one did not approve of debts, and would like to see the whole wiped off, and if the others subscribed he would add his mite at the end.

A subscription paper was here handed round, and we observed several put down their names; but we have not been able to ascertain the amount subscribed.

Mr. C. Pote expected nothing but unanimity on the resolution he was about to put. It was not necessary to talk on a subject which had been completely exhausted by having been spoken of in every possible term of eulogium. The name of Sir Charles Metcalfe (*Chares*) recommends him to all India, nay to all the intellectual world, which has regarded his career, and borne testimony to his usefulness. Mr. Pote would, therefore, simply read the resolution, and expect the unanimous concurrence of the meeting. He would, however, submit one observation which had that moment occurred to him. The long experience of Sir Charles Metcalfe in India, and his mature judgment were well known to all. Now this great, good, and experienced man had marked out the Parental Institution for his especial patronage, which circumstance was an evidence in its favor, and the example of so great and good a man ought to be followed by all who have the good of India at heart. Indeed such an example could not fail to produce its due effect: the Chairman had already pointed out the means and it was for the meeting and the public to follow it up.

Alluding to the paucity of examiners at the annual examination, he regretted the circumstance; but singled out Dr. Corbyn as an individual who, notwithstanding his arduous professional avocations, had always been at his post for the ten or twelve years past, and performed this public duty. The institution he therefore thought, owed a great obligation to Dr. Corbyn. The following resolution was then moved by Mr. Pote, and seconded by Mr. H. Andrews, and carried unanimously, with enthusiastic cheers, every one present standing up.

That concurring fully in the observations embodied in their report, this meeting desires respectfully to record its grateful sense of the liberal and encouraging disposition so uniformly evinced by Sir C. T. Metcalfe towards the institution.

The chairman related an anecdote of Dr. Dodridge. The Doctor had been to see a good girl on the bed of sickness, and observed to her as a consolation that every body loved her: she, in the simplicity of her heart, replied, because she loved every body. The same might be said of Sir Charles; every body loved him because he loved every body.

Dr. Corbyn, had some experience in the progress of education on this side of India; and looked upon some of the leading public seminaries as doing the greatest good: but this institution he regarded as the principal among them. Here education was given in all its most useful branches, and civil and religious liberty formed the great foundation of the structure. The education was solid; the pupils learnt not by rote, but their understanding was cultivated. Their compositions had astonished many Englishmen. A gentleman who had closely examined the classes at the last annual exhibition, had lately met him and expressed his astonishment at the answers which the boys had given to his questions in Latin. This was Mr. Picans, a man fully capable of judging on such a subject. This was the reason that Sir Charles Metcalfe patronized this seminary; he had told Dr. Corbyn, that he considered this institution of great service to the public, not only as a source from which well qualified public servants could be obtained, but also as a means of encouraging morality in society, by making useful men of so many who without education would have proved an evil to the community. These were the causes of the general patronage and good-will which this institution enjoyed. He moved the following resolution:

That this meeting begs to offer its best acknowledgments to his friends and supporters of the institution for the continuance of their aid in promoting its interests.

The Rev. Mr. Campbell, in seconding the resolution, observed, that this institution had laid the public under great obligation, by giving the first impulse to scholastic education in India. The first discoverer was always entitled to greater praise than those who followed up his footsteps. He had heard of objections to the variety and extent of studies pursued in this school; but considering the comparatively short time which children were kept in school in this country, he thought it was necessary to give them information on a variety of subjects. Schools and universities only laid a foundation, the finish could be given by individual exertions afterwards. He adverted to the arrears not paid up by parents and guardians, and said they ought to be ashamed of it. This institution he said was based on liberty and Christianity, and served as a nucleus for the diffusion of knowledge to the most parts distant provinces of India to which young men brought up here would resort. He thought it a duty of those who had been educated at this

seminary to support it with their purse. The resolution was carried unanimously.

On the motion of Mr. P. S. De Rozario, seconded by Mr. C. Kerr, it was resolved unanimously, that Mr. W. Byrn and other gentlemen forming the committee of management, be re-elected for the ensuing year, and that Mr. Byrn be requested to continue in the office of secretary to the institution.

The secretary then announced that Messrs. D'Costa and Sturmer had resigned their seats in the committee, and Mr. H. B. Gardner said, that he had been authorized by Mr. James Wood to say, that he also begged to withdraw, in order to make room for others who might give to the committee a fresh impulse. He said Europeans as well as East Indians were supporters of the institution; but the committee consisted exclusively of the latter, he would, therefore, propose that the Rev. Mr. Boaz, now in the chair, should be added to the list of its members.

Mr. M. Crow, advertent to Mr. Gardner's remark on the resignation of Mr. Wood, observed, that as one of the management, it was not his intention to address the chair, but an opportunity having presented itself he would take advantage of it. An observation similar to that of Mr. Gardner had been made at the last annual meeting, on which occasion it was stated, that new blood ought to be infused into the exhausted veins of the committee, in order to give fresh impulse to its motions. In consequence of this observation, some new members had been added to the committee, and that, he (Mr. Crow) was selected as one of the number. The report he said, adverted to certain improvements made in the course of the year in the important department of finance, by a sub-committee of the management. He begged to state distinctly, that none of the new members were in this sub-committee, and that, therefore, in the credit due to its measures of economy, the new members had no further share than that of approving of those measures. Mr. Crow concluded by proposing, that Messrs. P. S. De Rozario and J. Graham be added to the committee.

Mr. Kirkpatrick observed, that Mr. Graham was at that time absent from Calcutta and could not, therefore, enter upon his labours as a member of the committee; he therefore proposed that Mr. Wood continue to occupy his seat until Mr. Graham's arrival.

Mr. Pote commented at some length upon the infusion of new blood into the exhausted veins of the committee, and, we believe, proved that it was good or better than that of any new member who could be chosen.

The Rev. Mr. Boaz and Mr. P. S. De Rozario were then duly elected.

Mr. Kirkpatrick, supported by Mr. Gardner, requested that a statement of the funds be laid on the table.

Mr. Crow observed, that there could be no objection to the measure itself; but that it was informal and out of order, inasmuch as it was contrary to a standing law of the society, the purport of which was, that none but subscribers to the institution were eligible to take a share in the financial management, and that the present meeting, being composed of many who were not subscribers, it was not competent to vote on the question.

After a good deal of desultory conversation on this subject, the proposition was withdrawn, and an abstract of the accounts having been placed on the table, and Messrs. Kirkpatrick and Gordon expressing themselves satisfied, the proposition was withdrawn on the ground pointed out by Mr. Crow.

The thanks of the meeting were then voted to the chairman, and its members retired.—*Hark. March 3.*

## DWARKANATH TAGORE.

As some misrepresentation appears to have gone abroad in respect to the nature of Dwarkanath Tagore's munificent bequest to the District Charitable Society, we have sought and obtained information upon the subject, and now beg to lay it before our readers, in the shape of a copy of the letter of the trustees to the society:

The Hon. SIR EDWARD RYAN, KT., &c. &c. &c.  
President of the District Charitable Society.

Honorable Sir,—Our friend Dwarkanath Tagore prior to his leaving Calcutta, requested that we would undertake for him the necessary arrangements connected with the disposal of *one lac* of rupees, which sum it is his desire to appropriate to the accomplishment of some charitable object in this city. Dwarkanath desired that the disbursement of the amount so to be appropriated, might be in some measure connected with the operations and objects of that excellent institution, the District Charitable Society, and for that purpose he requested us to place ourselves in communication with the president. In now soliciting your permission to do so, we have the satisfaction of knowing, that we could not apply for advice or aid to enable us to carry the present bequest into effect to any one so well qualified to afford both in the most valuable degree or more capable of entering into the charitable views and benevolent intentions of our friend. It is the desire of Dwarkanath Tagore that, to whatever branch of charity the fund may ultimately be appropriated, it should be called Dwarkanath Tagore's Fund. The interest on the *one lac* of rupees before mentioned will be devoted to the maintenance of this fund, the principal to be invested in good mortgages in the name of certain trustees; the detailed wishes of the donor on these points are in our possession.

In conversation with ourselves, Dwarkanath Tagore appeared to be under an impression, that one class of indigent persons in this city, viz. the poor blind, were

peculiarly objects for charitable consideration, next indeed to the lepers; and there seemed a feeling on his mind that the amount already adverted to might with the greatest benefit to humanity be principally, if not solely, devoted to the relief of the class in question. On this point, however, nothing need now be determined, but as it would doubtless be desirable to consult the wishes of Dwarkanath Tagore in the appropriation of his gift, and he may continue to entertain in the sentiment he expressed to us, touching regular alms or a kind of Asylum for the destitute blind, we shall feel greatly obliged, if you would give directions, for our being furnished with any information which the records of the District Charitable Society can afford, respecting the state of the poorest class of blind persons in Calcutta. The means the poorest class have of obtaining assistance in the progress of diseases of the eyes; and the numbers and condition of such as, deriving no benefit from the aid afforded, are ultimately deprived of the blessing of sight. We need scarcely add that we shall at all times be happy to do ourselves the honor of waiting upon you personally respecting any matter connected with the donation, the nature and extent of which, we request you will do us the favor to announce to the District Charitable Society.

We have the honor to remain, Hon. Sir,

Your obedient humble servants,

(Signed) H. M. PARKER.

W. PRINSEP.

PROSUNNOOCHMAR TAGORE.

Calcutta, Feb. 20, 1838.

We are informed that upon the receipt of the above, the District Charitable Society resolved to endeavour to obtain accurate knowledge regarding the condition of the blind poor in Calcutta, and in the mean time nominated a sub-committee to confer with the central committee, as to the best mode of appropriating the money. —*Englishman*, March 4.

## COURT MARTIAL ON CORNET ROCHE.

The court-martial on Cornet Roche, which has lately been published to the army, calls, in our opinion, for some commentary, with the view of placing that young officer's case on a footing even more creditable to him than what his essentially full acquittal makes it appear, although backed by the opinion of the Commander-in-Chief, which leaves no slur attachable to the Cornet's character. We are well acquainted with the facts of the case, as given in evidence, and nothing can show more strongly how impossible it is for even the most mild and the best conducted officer (in all social relations) to pass through his professional life without being subjected to trial by court-martial. Here is an instance of a young man of quiet, gentlemanly, and extremely inoffensive manners, dragged before a tribunal of military justice, at the very outset of his career, because he was subjected to the outrageous abuse of an ill-mannered mate of a ship, and, after much forbearance, resented it by knocking the offender down, as the charge alleges, but by only, as the fact was, pushing him off from him indignantly with his open hand. There was not only not the slightest aggression on Mr. Roche's part towards his vulgar abuser, but there was not

even such instant chastisement as the usual infirmity of human temper would have excused, for the insult; and yet Mr. Roche has been made the object of what it is not too weighty a description of term, persecution for several months, on shipboard and shore together. He was a passenger on the *Thomas Grenville*, coming out with several officers, including one of the lieutenant colonels of his regiment, to join; and it appears from official documents which we have seen, that he was kept in close arrest, and not allowed to come upon deck when any other of the passengers were there, nor before nightfall, nor after eight in the morning, and all this for no reason, other than that he had resented a rude man's insolence, to the extent we have described—having never given the slightest provocation to call the insolence forth! Mr. Roche had only just entered the service before he sailed from England, so that he was totally without experience, and therefore, when the vessel touched at the Cape, he did not know how to seek the protection of the Governor or Commander-in-Chief there, and it seems, Sir Benjamin D'Urban (we must suppose either misinformed, or strangely misunderstanding the true statement) enforced the close arrest—nearly as close as a felon's could be



—so that it absolutely required the Doctor's sanction for the prisoner's taking the air on deck. It is very surprising to us how the court-martial could have sentenced Cornet Roche to even a reprimand upon the evidence which we know was before it; for to say nothing of the extenuation, for even undue warmth (had any been displayed) to be found in youth and inexperience, there was the strong evidence not only of the respectable passengers, male and female, and of the captain of the ship, but of some of the witnesses for the prosecution, that the demeanour of the accused had been uniformly mild and conciliating to every one, and that he was the last person on board whom any of them would believe disposed to give offence to a human being. There was also proof that such were the character and disposition he had been noted for, before he entered the army at all, and among those who had good opportunities of appreciating both; for, in a newspaper which happened to be on the files of the *Cameronians' mess*, or library, (the *Cork Constitution* of July, 1837,) was a testimony of that nature which it gives us much pleasure to lay before our readers:

'At a meeting of the farmers, tradespeople, &c., of the parishes of Corkbegg and Trabolgan, on the 27th instant:

The following address was unanimously resolved on:

JOHN CALLAGHAN, Chairman.

TO EDMOND ROCHE, ESQ., THIRD LIGHT DRAGOONS.

Sir.—The farmers, tradespeople, &c., of the parishes of Corkbegg and Trabolgan, have heard of your intended departure from amongst them, with the most acute feelings of regret. Your accustomed urbanity of temper, and your uniform charitable disposition to all—have endeared your memory indelibly in their hearts.

We sincerely wish you every success, and trust that Divine Providence will prolong your existence, and that they will have again the pleasure of beholding an individual whom they shall ever respect and love.

ANSWER.

'It is with the greatest pleasure I have read your address. I regret exceedingly that my income did not permit me to be more liberal to the poor of your neighbourhood. I trust that Divine Providence will bestow on you the blessings of plenty, and that, when I again visit

my native soil, I shall see you all happy and contented.'

July 28.

In addition to all that, we have the avowed opinion of the court that the accused only struck (the verdict, very rightly, does not find the knocking down) the male 'after great and continued provocation'; and yet he is sentenced to be *severely* reprimanded,—this young and naturally peaceful man,—because his spirit could not brook the wanton and *protracted* abuse heaped on both his countrymen and himself. We do think it was very thoughtless in the court to brand a young officer, under these circumstances, with such a penalty on the very threshold of his professional life; and we rejoice to find inferential evidence to the fact that the Commander-in-Chief did really deem the sentence unnecessarily harsh, though he does not seem to have thought *disapproval* to be politic—perhaps with reference to the regimental situation of the virtual prosecutor. His Excellency confines his formal reprimand to the mere acquiescence in the court's desire to that effect, but remarks, that 'the interference of the 3d mate of the *Thomas Grenville* with Cornet Roche, and the gross and vulgar language used by him, both with reference to the Irish generally, and to the Cornet personally, go far in extenuation of the Cornet's misconduct.' Much approving of the tenor of that observation, we think we can fairly object to the use of the phrase 'misconduct,' with which it terminates. His Excellency, we know, not unfrequently employs words in their originally strict sense, which have come, in ordinary parlance, to convey stronger sentiments than, perhaps, they always did (there are many instances of such terms, in our language) and the word misconduct is, in military cases especially, understood to convey the impression of some *very heinous* course of action, and to such only is it ordinarily applied. In the case before us, we believe neither civil nor military society will pronounce it to be atrocious in any one to act as Cornet Roche acted; and we are quite certain, that neither the purely military, nor the gentlemanly, feelings of Sir Henry Fane are dissatisfied with his conduct, because, if such had been the sentiment, the reprimand would have been properly couched in terms of indignation. We have scarcely any personal acquaintance with Cornet Roche, nor with any one who knows him; and we are actuated in these remarks solely by a desire to set a young officer quite right with the Indian community, at his first starting as one of their social members.—*Englishman*, March 4.

## MEDICAL AND PHYSICAL SOCIETY.

*Proceedings of a Meeting of the Medical and Physical Society of Calcutta, held at the Asiatic Society's Apartments, the 3d March 1838.*

L. T. Watson, Esq., Assistant Surgeon, by H. Chapman, Esq., seconded by Mr. R. O'Shaughnessy.

—Maxwell, Esq., of the Madras Service, by Dr. O'Shaughnessy, seconded by Dr. Goodeve.

Letters from the following gentlemen were read:

1st. From the secretary of the Asiatic Society, returning thanks for the 4th and 6th numbers of the Society's journal.

2d. From Messrs. Arbuthnot and Co., the Society's Agents at Madras, forwarding their account current and stating that they had a balance in their hands in the society's favour of 674 rupees.

3d. From D. Macnab, Esq., forwarding a communication upon dysentery and other algine fluxes produced by bad rice.

The following works were presented to the library:

1st. Report of Mr. Bruce upon the culture of tea in Assam by the tea committee, through their secretary Dr. Wallich

2d. Report of the coal committee by their secretary Dr. Mac Clelland.

2d. *Journal de Médecine de Société Royale de Médecine de Bordeaux*, for May 1837.

Dr. O'Shaughnessy took the opportunity of informing the Society, that, after many attempts he had succeeded in finding *iodine* in the *confeval* of the salt-water lake. We had previously examined a great number of the plants of that and other salt-water morasses, and found them all destitute of this substance. The *confeval* is however, richer in iodine than any of the algae fuci, he had ever examined or read of. It contained about a grain of iodine to the seer (2lbs.) of the moist weed. The *confeval* could now be obtained to the amount of hundreds of tons on the surface of the salt-water lake. The process of preparation is very simple. The *confeval* is gathered and dried before the sun, then burned, and from the ashes soda and iodine are obtainable in such quantities, that the soda will pay the expense of the manufacture, and give the iodine for nothing.

Mr. MacNab's paper on congestive fever was then read and discussed.

H. H. Goodeve.

Hurk. March 9.]

Secy. Medl. & Phyl. Secy.

## PROSPECTUS OF A SOCIETY TO BE CALLED THE "LANDHOLDERS' SOCIETY."

- 1st. The objects of this society are to promote the general interest of landholders.
- 2d. To promote cordial and friendly communication between all classes interested in land, without distinction of colour, caste, birth-place, or religion.
- 3d. To diffuse information on all subjects connected with the interest of the soil.
- 4th. To compose and settle differences and disputes amongst landholders.
- 5th. To endeavour to obtain a legal limitation to the claims of the state for the better securing of titles.
- 6th. To make respectful representations to Government when any regulation shall be promulgated injurious to the general interest of all connected with the soil.
- 7th. In the same manner to ask for such new enactments as may be deemed important to the interests of the landholders and others connected with the soil.
- 8th. To ask for the repeal of all existing laws that may be prejudicial to the same classes.
- 9th. To extend the assistance of the society to individuals when we think a general principle is involved, in order that such cases may be appealed to superior authorities.
- 10th. To defend ourselves by legal means against the resumption measure, now in progress, and any further attacks of the same nature, or any encroachment upon the principles of the permanent settlement.
- 11th. To contend for the fulfilment of the pledge, by proclamation, to extend the permanent settlement to the north west provinces.
- 12th. To assist landholders living at a distance in their business with the courts and public offices of the presidency, and generally to furnish them with advice on all matters properly connected with the objects of the society.
- 13th. To carry into effect the above objects, it is proposed that the following officers be chosen.
- 14th. A committee of twelve persons to be elected by ballot; four to go out by rotation at the expiration of each year, and their places to be filled by ballot. The same persons may be re-elected.
- 15th. The committee to be empowered to add to their number, if expedient, subject to confirmation by the next general meeting.
- 16th. The committee shall choose out of their number a president, vice president, and treasurer.
- 17th. The president, or in his absence the vice president, to have the casting vote in all divisions where the numbers shall be equal.
- 18th. All divisions to be settled by ballot.
- 19th. The secretary and assistant secretary to be nominated by the committee, and appointed by a majority of the members.
- 20th. The secretary to find his own establishment, subject to the approval of the committee, who will pass his account monthly.
- 21st. The public regulations, and such other books or papers as may be necessary, to be kept at the office of the society.
- 22d. A meeting of the committee to take place the first Monday in every month; and whenever called especially by any two of the committee or any five members of the society.
- 23d. Any five of the members of the committee when present at a meeting will form a quorum to conduct the business of the society.
- 24th. A general meeting of the members to be held quarterly on a day appointed by the committee.
- 25th. The election and expulsion of members, and all questions whatever relating to the concerns of the society, may be directed by a majority.
- 26th. When a member may wish to retire, he is to give one month's previous notice.
- 27th. In case of death any one of the heirs and representatives of a deceased member shall, with the consent of the co-heirs, have a hereditary right to be elected as a member and be exempt from any fresh entrance fee.
- 28th. Every person desirous of becoming a member of the society must apply to the committee through their secretary.
- 29th. The only qualification necessary to be eligible for election as a member, is a desire on the part of the candidate to promote the general objects of the society.
- 30th. A member may vote by written proxy on general questions.
- 31st. Mooktiars of absent members may attend meetings by permission of the committee.
- 32d. Each member to pay an entrance fee of five rupees, and an annual subscription, in advance, of twenty rupees.
- 33d. The committee is authorized to receive donations to any amount from any member or other person willing to promote the objects of the society.
- 34th. The committee are to be earnestly recommended to endeavour to establish branch societies in every district of the British India Empire, with the view of establishing regular communications on all subjects connected with the object of the society.
- 35th. No person to vote unless his subscription be paid up.
- 36th. The funds to be kept in a bank, as may be ordered by the committee from time to time, or otherwise invested at their discretion.
- 37th. Current expenses to be drawn for by the secretary, countersigned by two of the members.
- 38th. Extraordinary expenses only by order of this committee entered in their proceedings.
- 39th. Secretary to keep proceedings at each monthly meeting, in English and Bengally, duly signed by the chairman of the committee, and to keep an index of all communications with Government or public officers which may decide general principles for easy reference of members.
- 40th. Members of the society and others having disputes may refer them to one or more member of the committee, who will arbitrate on matters connected with the objects of the society.

RAJAN RADAKANT BANARJEE, Chairman.

## METCALFE TESTIMONIAL MEETING.

TOWN HALL, 19TH FEBRUARY, 1838.

At a public meeting of the subscribers and intending subscribers to the Metcalfe Testimonial.

JAMES PATTLE, Esq. in the chair.

Proposed by H. T. Prinsep, Esq., and seconded by Dr. Grant.

*Resolved.*—That this meeting enters cordially into the feelings expressed by the meeting of the British inhabitants at Agra, in their resolution expressing their desire to erect a statue in honor of Sir C. T. Metcalfe, and to present him with a service of plate, and doubts not, that the community of British India will co-operate effectually in the promotion of these objects.

Proposed by Mr. Longueville Clarke and seconded by Dr. J. R. Martin.

*Resolved.*—That by combining together the different public subscriptions, (which are now raising,) to offer testimonials to Sir C. T. Metcalfe, it would enable the whole Indian community to express in a more distinguished manner their appreciation of the merits, and esteem for the character of that eminent man.

Proposed by Mr. H. T. Prinsep, and seconded by Mr. William Patrick.

*Resolved.*—That a committee consisting of the following gentlemen: the Hon. the Chief Justice, General McGregor, Mr. H. M. Parker, Mr. C. R. Prinsep, Dr. John Grant, Captain T. J. Taylor, Mr. Longueville Clarke, Mr. R. J. Bagshaw, be formed, to collect the subscriptions of the residents in Calcutta, and put themselves to communication with the committees formed or to be formed at the other presidencies and stations, in order to receive the sums that may be forwarded; and that it be an instruction to the committee to call another meeting on some convenient day, after not less than two months, and to report the amount available for the purposes in view, with their recommendation as to its disposal, in order that a final resolution may then be come to in respect to the appropriation of the funds.

The committee have the gratification of announcing that a public meeting was held at Agra on the 20th of February, the day after the meeting at the Town-hall, when the following resolution was passed:

Copy of resolution passed at a meeting held at Agra on Tuesday, the 20th February 1838:

“R. D. Duncan, Esq., in the chair. It was resolved that, with reference to a second public meeting at Calcutta, on the subject of a testimonial to Sir Charles Metcalfe, held on the 6th instant, when in amendment of the decision of a previous meeting limiting the measure to the inhabitants of Calcutta, resolution was passed to the effect that measures should be taken to render it general for all India. This meeting views such resolution with pleasure, corresponding to the disappointment to the supporters of a general measure which the result of the former Calcutta meeting was calculated to produce. That this manly combination and unity of effort throughout India on the part of all interested in the measure, was the object mainly aimed at in the resolution of the public meeting held at Agra, on the 30th November last, and the same that has invariably guided the Agra committee in their subsequent proceedings, more especially in their addresses to influential parties at Calcutta, Madras and Bombay, which conveyed copies of the above resolution: though from circumstances too

late probably to be brought forward or attended to at the above Calcutta meetings. That this virtual adoption by the Calcutta community of the same principle of general combination and union, sanctions the anticipation that, throughout India, a sum may be raised (probably seventy or eighty thousand rupees) equal to both objects suggested in the above Agra resolution, and that this meeting therefore, with the greater confidence, still earnestly recommends both the erection of a statue and the presentation of a service of plate. That, however, should the voice of the subscribers in other parts of India be in favour of any other testimonial of a character of more direct utility than a statue, the Agra subscribers will readily defer to their views, and be prepared to forward accordingly the amounts of their subscriptions—at present about Rs. 13,000 to the committee at Calcutta, with whom, from their metropolitan locality and influence, it is understood, must rest the duty of carrying such measure as may be adopted into final effect. Also, that this resolution, with a copy of that passed on the 30th November last, be forwarded to the chairman of the Calcutta committee, with the request that they be submitted for their consideration.”

Resolution of the 30th November referred to above.

That this meeting is of opinion, that in acknowledgment of the distinguished services rendered by the Hon. Sir C. T. Metcalfe, Baronet, to the whole of British India, as well as of his administration of the affairs of those provinces, both a statue should be erected in his honor and a service of plate presented to him; but that the erection of a statue is the primary object to be accomplished. As the adoption of one or both of these measures must depend upon the co-operation of the inhabitants of other parts of India, as well as upon considerations which it is impossible now to foresee, the final appropriation of the sums raised at this station must be placed at the disposal of a local committee. It should be made a direction to the committee to aim primarily at accomplishing both of the above objects, or otherwise to carry into effect the wishes of this meeting to the best of their ability, and for this purpose to place themselves in communication with other bodies of individuals, who may elsewhere interest themselves in the same cause.

The following is a copy of a letter circulated by the directions of the Calcutta committee throughout the presidencies of Madras and Bombay, and the different stations of India, and the committee now publish it in this form, that it may become more generally known, and in the hope that it will be acted on even in stations, where it may not have been received.

Calcutta, 27th February, 1838.

SIR,—The committee appointed at the public meeting at Calcutta of the subscribers and intending subscribers to the Metcalfe Testimonial, have directed me to forward to you the following copy of the resolutions passed at the Town-hall on the 9th instant, and also a list of the subscriptions. Anxious to give effect to the first resolution, the committee desire me to solicit the favor of your assistance, and hope that this appeal to the community of all India will be circulated by you through your district or station. The committee likewise begs, that should any subscriptions be obtained, you would favor them by returning this list to me, and likewise assist them in the remission of the funds in any way most convenient to yourself.

I have the honor to remain,

Your obedient servant,

LONGUEVILLE CLARKE,

Amount of subscriptions last advertised.....	6838	A. R. Young, C. S.....	16
Col. W. Roberts, Oude.....	100	T. Leekie.....	12
Thomas Brae.....	50	W. B. Webster.....	10
T. Roston.....	16	J. R. Dwyer.....	5
J. W. Twallio.....	5	Mr. Goldwig.....	10
Tarranychurn Chuckerbutty.....	5	Mr. Johnson.....	8
Frances Horsby Robinson.....	100	Thomas Wyatt, C. S.....	100
<i>Transmitted from Baugulpore by Mr. Wyatt.</i>			
Major Graham.....	16		
G. F. Brown, C. S.....	50		
H. H. James, C. S.....	16		
W. Travers, C. S.....	16		
H. C. Bagge, C. S.....	16		
			7389

Subscription books are deposited at the Bengal Club, Union Bank, Hurkaru and Englishman offices, and Spence's Hotel.—Hurk., March 13.

## EXAMINATION OF THE HINDOO FREE SCHOOL.

TOWN HALL, SATURDAY, THE 24TH MARCH, 1838.

DAVID HARE, ESQ. IN THE CHAIR.

This institution was established in December 1834 by Gobind Chunder Bysack, of Bhanstullah, Burrah Bazar, but is now conducted by Chunder Mohan Bysack. It educates about 130 boys in the rudiments of English Grammar, History, Arithmetic and other useful qualifications. The pupils are divided into six classes.

At this as at the two last meetings not a native of wealth or influence appeared; this apathy is particular, and those zealous in the cause of promoting the enlightenment of the natives of India, should stir their native friends to take some interest in these institutions. The ex-students of the College may be very well qualified to instruct their countrymen, but their efforts unaided must prove unavailing.

Besides Messrs. D. Hare and R. Dias and Rajah Kallee Kissen we knew nobody else. The examination was conducted by the three gentlemen above named.

The sixth class spelt out of No. 1 of The Spelling Book, but were very backward indeed.

The 5th class read out of No. 2 of the above book, as badly as the former class.

The 4th class read of No.—Reader, No. 2 Spelling Book went through exercises in English Grammar and Arithmetic.

The 3d class read very correctly out of No. 2 of The Reader, and acquitted themselves in Grammar, Geography and Arithmetic to the satisfaction of all present.

The 2d class read from No. 3 of the Reader, Clifts' Geography, and answered Grammatical and Geographical questions with aptness and facility.

The 1st class read remarkably well out of No. 1 of The Poetical Reader, answered Geographical and Arithmetical questions, gave historical references with quickness, and acquitted themselves very creditably.

The prizes were distributed by the chairman, and the pupils seemed proud of every mark of distinction conferred on them by our philanthropist.

After the examination the following recitations were delivered with correct emphasis and enunciation by the boys named below.

Fortune.....	Bejoy Chunder Bose.
Night.....	Omes Chunder Bose.
Virtue.....	Omes Chunder Bose.
The Cigar.....	Khutter Mohen Bysack.

Mr. Hare addressed the meeting, stating that his friend the Rajah was indisposed, but desired Mr. Hare to say, he was pleased with what he had witnessed. Mr. Hare then said he had attended three of the examinations by the pupils of the institution, and he was glad to say that during that period several of the elder boys had qualified themselves and are in employment. He hoped that at the next examination he would be able to say as much. "Education," said Mr. Hare, "is making great progress among the natives," and he hoped its ardent benefits will be felt by the influential gentlemen, and urge them to render some assistance to the efforts that have been made to improve the intellectual condition of the Bengalees.

A native gentleman then returned thanks on behalf of the proprietors of the institution, and trusted they would continue to merit the support that had been bestowed on them.—Hurk. March, 26.

The visitors dispersed at 1-30 p. m.

## EXAMINATION—HINDOO BENEVOLENT INSTITUTION.

BISHOP'S PALACE, TUESDAY, MARCH 13, 1838.

The Right Rev. Daniel Wilson, M. D., in the chair.

The annual examination of the pupils of this institution commenced about 30 after 11 A. M. this day. Among the visitors, we recognized, the Venerable the Arch Deacon, Captain Marshall, Doctor Webb, the Reverend Mr. Fisher, Messrs. David Hare, A. F. Smith and several other gentlemen. We cannot help expressing great surprise at the absence of the natives of influence, save Rajahs Kallee Khrisheh and Radahcant Deb.

The examination was conducted by the Venerable the Arch Deacon. Messrs. D. Hare, R. Dias, Rev. Mr. Fisher, Rajah Kallee Khrisheh, and some of the ex-students of the Hindoo College.

This institution was established in 1831, by Baboo Shurdahpershad Bhowe, at present, the head teacher of the Company's School at Rajeshye. That Baboo at first supported the institution. The expenses are, however, now paid by subscriptions from both the Christian and native communities. It is now conducted by Baboo Kissen Hurry Bhowe. It contains about 225 pupils who are instructed in the Classics, History, Mathematics,

Geography, English Grammar and the Bengallee language.

The 4th class went through No. 3 of the English Reader, Murray's Abridgement of Grammar, Geography, Arithmetic and short translations from English into Bengallee.

The 3d class read from No. 4 of the English Reader, No. 1 of the Poetical, Murray's Grammar, Arithmetic, translation, parsing and the History of India.

The 2d class read parts of No. 5 of the English Reader, portions of Gay's Fables, the History of Greece, English Grammar, Geography, Mechanics, and Geometry.

The 1st class read Book 3d of Homer's Illiad, Enfield's Speaker, answered questions in Roman History, went through English Grammar and the exercises.

This class evinced great efficiency in Geometry, Algebra, Arithmetic, Mechanic's Astronomy and Geography.

After the examination, the following recitations were delivered exceedingly well by the youths named : -

Soldier's Dream.....Ummer Chunder Bunnerjee  
Mark Antony's Soliloquy over the body of Cæsar,—  
Dwarkanauth Sein.

Merchant of Venice Act 5, Scene 1st.

Lorenzo.....Benemadub Ghose.  
Jessica.....Dwarkanauth Sein.  
Stephano.....Ramchunder Doss.  
Launcillot.....Umeschunder Bannerjee.

Act 3, Scene 1st.

Shylock.....Parankrishna Mookerjee.  
Tubai.....Nobinchunder Deb.

A calm after a shower .... Umeschuuder Bannerjee.

After the english recitations, a scene from Rajah Vektam of Gour, in Bengallee, was gone through by a few lads, much to the entertainment of the English gentlemen present, and we may add that the novelty of the thing took better than any thing else, though we thought it occupied too much time.

Some excellent specimens of penmanship were laid on the table, and did credit to the boys. Their hand-writing appeared very bold, and we did not find erasures in

any of the books exhibited. About 150 prizes were distributed among the most efficient scholars, and we learnt that they were procured by subscription among the several committees in Calcutta.

The Right Rev. Chairman than addressed the assembly, saying he was much gratified at the examination and that the several classes had acquitted themselves remarkably well in the different branches of their studies. The present efforts of the pupils indicated their future eminence, and His Lordship felt assured that if the work of knowledge be preserved in as has been done, the natives of India may hope for a speedy release from those yokes which ignorance and superstition had burthened them with. The prizes bestowed this day, were so many stores of knowledge, which, when attentively looked into, would answer in the places of wealth, and if promulgated carefully among their brethren, would be memorials of the struggles of the present generation for the welfare of those who will hereafter succeed them.

There is no sight, said His Lordship, more gratifying than the promotion of knowledge in this great country, Hindustan, and those natives of wealth who aid in this praiseworthy duty, ought to feel proud of being the reformers of their country; and while engaged in the emulating and difficult undertaking, his Lordship was of opinion they ought not to forget to inculcate religion and morality, the aids of all knowledge. As the sun rises after the darkness of night, so will knowledge rise transcendent and throw down all impediment. His Lordship strongly impressed upon the minds of the pupils, the strictest adherence to love, benevolence, charity and honesty in all their dealings, and if the pupils practised those virtues in their search after knowledge, they will of themselves discover how necessary Christianity has been to the welfare of mankind in general. His Lordship concluded by thanking the visitors, and expressed a hope that they would annually observe the progress in the efforts of the institution.

Rajah Kalee Krishen, in behalf of the managers, returned thanks to the Right Rev. Chairman for His Patronage and the annual use of the palace, and hoped the rising character of the institution will always entitle it to His Lordship's consideration.

The examination concluded at 3 p. m., when the visitors retired.—*Hurkaru, March 14.*

## THE AGRA BANK.

Annexed we give the report of the directors of the Agra Bank for the half-year ending December 1837, together with an abstract of the bank accounts for the same period. The whole shows that the establishment is in a state of high prosperity and rapidly advancing in public estimation.

*Report of the Directors read to the Proprietors of the Agra Bank at a General Meeting held on the 1st of March 1838.*

After more delay than we could have desired, or than is likely to occur on further similar occasions, we have now to report the result of the operations of the bank, during the half yearly period ending on 31st December last.

The bringing up of the books has been retarded by the difficulty of recruiting with skillful hands, an establishment that has for some time been found quite inadequate, to the increasing importance and multiplicity of the bank's transactions, and has been still further delayed by the repeated indisposition of some of the most efficient office assistants.

Means have been taken, and others are now under consideration, which will have the effect of simplifying the accounts generally, as well as placing them on such a footing as will greatly facilitate a resumption of the practice of publishing, with the strictest accuracy, the prescribed periodical statement.

At our last general meeting the correspondence with the Lieutenant Governor of Agra on the subject of a bank note circulation, was laid before you. The question has been referred by the Governor General to the Home authorities; and, allied as it is to other propositions regarding banking in India, that have been long before the Court of Directors, we may expect ere many months elapse to learn their decision on the matter.

The state of credit generally during the period under review has been particularly inauspicious to our hopes of rendering the bank extensively useful to commerce; and, looking to security as our first object, we have not hesitated to forego some portion of profit, rather than employ any part of the funds at our disposal, in business attended with apparent risk. But, though considerable

sums have thus remained unemployed throughout the season, the accompanying abstract of profit and loss will show that the prosperity of the bank has in no way diminished, and that, though the gains might have been still greater under a less cautious course of proceedings, they still range at the high rates which have been generally realized by the bank.

The new stock, the holders of which will share in the profits of the half year, commencing with the 1st of January, amounts to Rs. 500,000.

Having negatived the proposition that was made to you by the secretary to take to the bank fifty shares that were reserved for that purpose, by the Oriental Life Insurance Company, with the view of obtaining for the directors of the bank, the privilege of at once deciding, on application for insurance, without incurring the delay of a reference to Calcutta, we were in danger of losing altogether the important advantage to the bank of such a concession. Five of our number, however, with the secretary and assistant secretary, having become proprietors of the greater part of those shares, the Oriental Company have agreed to constitute them into a committee for the purpose originally proposed, and thus a very great accommodation has been obtained for constituents, as well as much facility in conducting its business without any responsibility on the part of the bank, which, we trust, will meet with your approbation.

With so large a paid-up capital, it appears to us useless, as well as inconsistent with the practice of similar institutions, to hold reserved funds beyond what may suffice to cover all doubtful debts.

Hitherto there have been none that can be properly considered as of that description; but, as in the various transactions of the bank there may possibly turn out to be some losses, we would still recommend that, after setting aside Rs. 80,000 for a dividend at the rate of 16 per cent. per annum, the balance should be reserved to meet any such unforeseen casualties.

The following statement of the assets and responsibilities of the bank, and of profit and loss from 30th June to 31st December last, will show that the sum to be thus reserved, amounts to Rs. 13,179-3-5.

*A statement of the affairs of the Agra Bank ;*  
FROM 30TH JUNE TO 31ST DECEMBER, 1837.

**ASSETS.**

By Amount of loans.....	17,52,747	10	4
„ Balance in the Union Bank...	74,147	4	11
„ Ditto with European agents..	3,68,148	15	4
„ Ditto with native agents.....	1,20,251	4	3
„ Due by the Union Bank, its } Account..... }	28,278	4	10
„ Government paper—principal	47,980	0	0
„ Bills discounted.....	84,551	2	8
„ Suspense account.....	3,331	9	11
„ House in cantonments.....	13,500	0	0
„ Office furniture.....	500	0	0
„ Cash balance.....	1,09,000	1	9
<b>Total...Rs-</b>	<b>26,02,436</b>	<b>6</b>	<b>0</b>

**LIABILITIES.**

To floating deposits.....	1,84,550	5	11
„ Five per cent. ditto.....	7,97,279	0	11
„ Amount due to agents .....	17,548	7	2
„ Subscriptions to new stock...	5,09,859	4	7
„ Old stock.....	10,00,000	0	0
„ Divisible surplus.....	93,179	8	5
<b>Total...Rs-</b>	<b>26,02,436</b>	<b>6</b>	<b>9</b>

*Abstract of profit and loss account ;*  
FROM 30TH JUNE TO 31ST DECEMBER, 1837.

**CR.**

By hoondeean account.....	22,130	8	9
„ Interest on closed accounts..	13,478	11	0
„ Interest on loans.....	71,843	5	3
„ Interest on Government paper	1,951	2	7
„ Commission account.....	2,304	7	4½
„ Discounts.....	2,140	9	1
„ Adjustment account.....	721	10	3
„ Postage account.....	2,212	14	2
<b>Total...Rs-</b>	<b>1,16,783</b>	<b>4</b>	<b>5½</b>

**DR.**

To establishment expenses.....	17,924	14	9
„ Interest on the 5 per cent. } deposits..... }	15,910	14	1
„ Interest on the new stock } at 6 per cent..... }	7,449	6	10
„ Postage account.....	339	6	4
„ Petty charges account.....	2,347	5	3
	43,969	16	3
Balance.....net profit	72,813	5	2½
<b>Total...Rs-</b>	<b>1,16,783</b>	<b>4</b>	<b>5½</b>

J. W. URQUHART,      G. J. GORDON.  
*Accountant.      Secretary, Agra Bank.*  
Agra, 31st December, 1837.

*Proceedings of a General Half yearly Meeting of the Shareholders of the Agra Bank, on the 1st March 1838.*

**MR. MANSEL IN THE CHAIR.**

Read the report of the directors on the affairs of the bank.

*Resolved*—That the accounts submitted be passed.

*Resolved*—That a dividend be now declared at the rate of 16 per cent. per annum, or Rs- 20 per share, and that the balance of the assets be reserved.

*Resolved*—That the thanks of the proprietors are due to the parties who have effected the arrangement with the Oriental Life Insurance Company, by which applications for life insurance can be disposed of on the spot.

*Resolved*—That the thanks of the proprietors are due to the directors, for their successful management of the affairs of the bank.

*Resolved*—That the following gentlemen be directors for the current half-year.

C. G. MANSEL.	M. W. WOOLLASTON.
J. S. BOLDERO.	W. H. RICHARDS.
HON. H. B. DALZELL.	D. WOODSWEN.
R. B. DUNCAN.	H. TANDY.
P. INNES.	

That the thanks of the meeting be given to the chairman.

G. J. GORDON, *Secretary Agra Bank,*  
Hurk., March 14.]

## AGRICULTURAL AND HORTICULTURAL SOCIETY OF INDIA.

A general meeting of this society was held at the Town-Hall, on Wednesday morning, the 14th of March, 1838, at half-past nine o'clock.

**THE HON. SIR E. RYAN, PRESIDENT,** in the Chair.

**Present:**—Dr. Wallich; Dr. Huffleagle; Col D McLeod; W Storm, Esq; T Leach, Esq; C K Robison, Esq; R Watson, Esq; A Beattie, Esq; W Makenzie, Esq; Dr Strong; W K Ewart, Esq; W F Gibbon, Esq; Dr H H Spry; C Trebeck, Esq; A Dobbs, Esq; A Grant, Esq; D Hare Esq; J H Stocqueler, Esq; C R Princep, Esq; M A Bignell, Esq; R Smith, Esq; C A Dyce, Esq; E Preston, Esq; Capt W N Forbes J W Masters, Esq., and John Bell, Esq.

**Visitors:**—Messrs. Brockman and Stafford introduced by Dr. Strong, Wm. Dent and C. Brownlow, Esqrs.

The proceedings of last meeting were read and confirmed.

The following gentlemen proposed at the last meeting, were elected members of the society.

W. Moran, Thos. Parker, and J. H. Savi, Esqrs.; The Rev. C. E. Driberg; Thos. Bracken and Chas. Oman, Esqrs.; J. Louis, Esq.; C. S.; J. B. Bdiot, Esq.; C. S.; R. Scott Thompson, Esq.; Capt. J. H. Wood; Wm. Rushton and T. O. Morrell, Esqrs.

The following gentlemen were proposed as members:

Geo. Palmer, Esq., (Purneah) proposed by J. F. Cathcart, Esq., and seconded by the secretary.

Major-General Oglander, proposed by Lieut. Sibley, and seconded by the secretary.

F. L. Beanfort, Esq., C. S., proposed by Col. McLeod, and seconded by the secretary.

Thos. Brae, Esq., proposed by Thos. Leach, Esq., and seconded by W. Kettlewell, Esq.

H. Fitzgerald, Esq. (Tirhoot), proposed by the secretary, and seconded by Dr. Wallich.

Geo. Osborne, Esq., (Chunar) proposed by the secretary, and seconded by W. Storm, Esq.

W. Hudson, Esq., proposed by the secretary, and seconded by W. Storm, Esq.

W. Dent, Esq., C. S., proposed by Dr. Wallich, and seconded by Captain Forbes.

The proceedings of the last general meeting were read and confirmed.

Motions of which notice was given at last meeting, disposed of:

**Nc 1.**—The Agricultural Committee's recommendation to present Dr. Montgomerie of Singapore with the society's gold medal, was brought forward and discussed.

Mr. C. K. Robison proposed as an amendment, seconded by Mr. A. Grant, that the silver medal be substituted for the gold medal, which amendment being put to the vote was carried.

**No. 2.**—The president's motion that the expense incurred by the secretary in publishing a pamphlet on cochineal, be defrayed by the society. *Resolved*, that the society bear the expense:

**No. 3.**—Dr. Wallich's motion, recommending that a small sum be placed at the disposal of Lieutenant Kirke, of Deyrah Dhooa, was next brought forward.

Dr. Wallich informed the meeting that he had been reminded by the secretary of an offer made by Dr. Campbell, of Nepal, similar to that for which he sought the aid of the society in behalf of Deyrah Doon, which had remained in abeyance, waiting the decision of the committee. Dr. Campbell's letter, and Dr. Wallich's notice of motion had, therefore, been before, committee since last meeting, and the result was a recommendation that a trial should be given to the valley of Nepal, as well as that of Deyrah Dhooa.

Proposed by Mr. Robison, seconded by Dr. Wallich, that this motion of Dr. Wallich, in its amended form, as recommended by the Agricultural Committee, be discussed and settled at the next general meeting. Agreed accordingly.

Notices of motion.

**No. 1.**—Dr. Wallich's original motion, No. 3, of last month's proceedings, with the amendment recommended by the committee, *vis.*

That 200 rupees be placed at the disposal of Dr. Campbell, of Nepal, and the same sum at the disposal of Lieut. Kirke, of Deyrah Dhooa, for the purpose of enabling those gentlemen to furnish this society with seeds, plants and grafts of European vegetables and fruit trees, in an acclimated state as an experiment, to be discontinued if the trial does not succeed.

**No. 2.**—Proposed by C. K. Robison, Esq., seconded by W. Keir Ewart, Esq. That this society make some acknowledgment to Signor Mutti, for his exertions amidst many difficulties in cultivating the white mulberry tree, in the Deccan, by which the production of silk has been rendered eminently successful, both in quality and cheapness, and that for this purpose the gold medal of the society be awarded to him.

### REPORTS.

Read reports of the Agricultural Committee, on meetings held on the 26th February and 10th March.

The secretary brought to the notice of the meeting that a vacancy existed in the committee appointed to conduct enquiry respecting the cochineal lately imported, and the president having named Dr. Spry, that gentleman agreed to act.

The secretary read to the meeting a report drawn up by him, respecting the two varieties of cochineal committed to his care by the society, and on the wild insect common in India, which he has brought under cultivation, to contrast with those imported from Bourbon and the Cape.

Proposed by Mr. Robison, seconded by Dr. Strong, that this report be made over to the committee.

Proposed by Sir E. Ryan, that as the attention of the society has lately been given to the improvement of wool, the assistance of their visitors (Messrs. Brockman and Stafford, who are now about to depart for Australia) should be requested towards importing merino rams from that colony, and that the matter be referred to the latter committee for the arrangement of details, &c.

*Resolved* accordingly.

**NOTICE.**—A meeting for this purpose will be held on Saturday morning the 17th instant, at half past 9 o'clock, and the attention of the committee is urgently requested.

Read the amended rules of the society, as revised by the committee of papers, under directions from the society, which having undergone a few slight verbal alterations, while discussed,

Proposed by Mr. Robison, seconded by Dr. Strong, and resolved, that the same be confirmed and adopted, as the rules of the Agricultural Society of India.

From Senhor G. Muttie, dated Bombay, 31st January, 1838, presenting to the society a copy of his guide to the silk "culture in the Deccan."

From J. Luttle, Esq., dated Bombay, 9th February, 1838, presenting on the part of the Agricultural Society of Western India, two copies of Senhor Mutti's silk culture guide.

From Dr. Wallich, dated March 9th, presenting a copy of the same guide.

From Dr. H. H. Spry, dated 7th March, presenting to the society a copy of his work on "Modern India."

From the same, dated 9th March, requesting to be furnished with a supply of Otaheite sugar cane for trial at Russapugla, the soil in that quarter being considered well adapted for its growth.

From H. Piddington, Esq., dated 16th February, offering to forward a French translation from the Spanish, of a valuable pamphlet in his possession, on the subject of cochineal.

*Memo.*—The secretary had since received the pamphlet, a part of which Mr. Piddington had translated into English for the use of this society in 1825, and Mr. Bell had completed the translation which was this day submitted.

From Monsieur Parquin, dated 23d February, stating that after a careful examination of the cochineal insects lately received from Bourbon and the Cape, he can affirm that the Bourbon insect is the true *grana fina*.

From the same, dated 1st March, presenting to the society a quantity of American maize, and a stocking made from the nankin or Siam cotton.

From Mr. Assistant Surgeon J. T. Pearson, to Sir E. Ryan, dated 24th February (Jaunpore), on the subject of cochineal.

*Resolved.*—That the pamphlet, Mr. Parquin's and Mr. Pearson's communications, be handed over to the committee.

From Lieutenant C. Brown, dated Jubbulpore, 15th December 1837, forwarding the promised Otaheite Sugar-cane cuttings from Major Sleeman's plantation.

From Dr. Wallich dated 23d February, enclosing a report by Mr. Masters, on the condition of the sugar-canes received from Jubbulpore.

These canes, 1,147 in number, are reported in most excellent condition, not a single failure; the canes had been carefully packed in bundles of 10 each, and bound from end to end with hay bands, and kept constantly moistened with water.

The average length of these canes was 9 feet—the average circumference 6 inches.

From W. Forster, Esq., to the secretary, dated "Melville, Mauritius, December 26," advising the despatch per *Moira* of 4 casks containing sugar-cane tops which have been transmitted for the use of the society, at the request of the Hon'ble W. H. L. Melville.

From Dr. Wallich, dated 2d March, enclosing Mr. Master's Report on the sugar-cane tops received from the Mauritius, which states that they have arrived in a living though very weak and sickly condition. *Memo.*—These cane tops were packed in dry sand, but too many were packed in each cask.

From G. U. Adam, Esq., dated 24th February, enclosing copy of a letter from Mr. N. Savy, dated Port Louis, 26th November, 1837, to the address of Messrs. Scot and Co., of Mauritius, which intimates the

despatch of 11 bags of Seychelles cotton-seed, carefully selected at Mahe, for the use of this society, and states that a further supply will soon be forwarded. These 11 bags have arrived by the "*Moira*."

From Dr. Wallich, dated 20th February, enclosing a letter from Mons. Parquin, presenting to the society a paper containing hints respecting the management, &c. of sugar-cane in the Islands of Mauritius and Bourbon.

From Rajah Kalikrishna Bahadoor, dated 23d February, forwarding for presentation to the society, a sugar-cane, called "*Poores Ook*"—16 feet in length, and 5 inches in circumference.

From Lieutenant Veitch, dated Tezporé, 13th February, advising the despatch of a maund of caoutchouc; giving some information as to the method pursued in preparing it, and offering to render any further assistance on the subject.

From J. F. Royle, Esq., M. D., to H. H. Spry, Esq., M. D., dated London, 12th July 1837. Enclosing a sheet of his forth-coming work, entitled "Illustrations of the Botany of the Himalaya Mountains," which affords information respecting caoutchouc yielding trees found in the districts of Assam and Sythet. Adding further information as to the best mode to be adopted in the collection of caoutchouc.

From Captain F. Jenkins, dated Rungpore. Upper Assam, 3d February. In reply to the secretary's letter on the subject of area-cocoons, states his intention of having a quantity of the living cocoons and eggs forwarded for further experiment. Enquiring if sugar-cane can be propagated by means of seed? Acknowledging receipt of books, cotton, &c. seeds.

From W. Keer Ewart, Esq., dated 27th February 1838, forwarding some cocoons received from Senhor Mutti, of Bombay.

From Major E. Gwatkin, superintendent of the H. Co's. stud, Bauppar, dated 7th February, acknowledging receipt (through the Military Board, of a quantity of guinea grass seed, and oak seed sent by the society.

Stating that he has made experiments both in the huskless oats and Italian rye-grass received some time ago from the society that he has failed with the former, but succeeded with the latter, offering to forward some oat seed the produce of a small quantity received from the Cape.

From R. Lowther, Esq., dated 14th February, acknowledging the receipt of secretary's letter of the 18th December last, on the subject of transmitting sugar-cane from Jubbulpore.

Advises despatch of two letters of mangel wurzel seed, recently received from England, gives an unfavorable account of the vegetation of the American cotton seed sent up by the society last year, and distributed by Mr. Turner in the Bundelcund and Allahabad districts, owing, it is supposed, to the unprecedented drought.

From Baboo Pearychund Mitre, dated 26th February, forwarding a small sample of the wild cochineal insect, received from Bancoorah, as picked indiscriminately from the jungle.

From F. Campbell, Esq., secretary to the Branch Agricultural Society of Midnapore, dated 22d February, giving an unfavorable account of the vegetation of the several varieties of cotton seed, received from the society, and distributed by him in that district.

From the same, dated also 22d February, forwarding a small parcel of a very singular description of cotton seed, grown at Dholhoon, a village about 90 miles to the N. W. of Midnapore, together with a sample of corn, and giving a short account of them.



From Ross D. Mangles, Esq., secretary to Government, revenue department, dated 26th February, acknowledging receipt of eight copies of vol. 5. Transactions of this Society, for the use of Government, and asking for two complete copies of vols. 1 to 4.

From Baboo Rajkissore Mookerjee, dated Hazareebaugh, 22d February, forwarding a sample of cotton, the produce of Sea Island seed, received from the Society, and asking for further supplies for his distribution in that district.

From Colonel L. R. Stacy, dated Dacca, March 4th, intimating his intention of establishing a small experimental garden at that station, and requesting a supply of plants, seeds, &c.

From Dr. Wallich, dated 6th March, forwarding 39 copies (one copy previously sent) of Mr. Bruce's "account of the manufacture of the black tea, as at present practised at Suddya."

From Dr. A. R. Jackson, dated 17th February, acknowledging receipt of, and promising to have delivered to their respective addresses, several more parcels containing copies of the transactions of this society intended for societies in England and Scotland.

The following presentations, in addition to those already voted, were submitted.

From the Coal Committee—A copy of "Reports of a Committee for investigating the Coal and Mineral resources of India."

From Mr. G. Pratt, a specimen of cochineal which had been in his possession 18 years.

From Don Ramon de la Sagra, through Dr. Wallich, the prospectus of a work about to be published by him to be entitled, "The Physical, Political and Natural History of the Isle of Cuba."

From W. F. Gibbon, Esq., two samples of wool, viz. one from an important merino ram; one from a lamb of five months.

Mr. R. Smith, submitted at the meeting, an artificial hive, full of bees, and invites those interested in the question, to visit his garden in Park Street, any morning between seven and nine o'clock, where they may be seen working.

Dr. Strong presented a bag of buckum wood, grown at Russapughla, together with some seed of the same.

Dr. Hufnagle presented some leaves of American maize grown in his garden very prettily variegated.

Mr. Brownlow, presented a bottle containing seeds of the *ficus elastica*, but they appeared to be all spoiled.

The thanks of the society were ordered to be offered for all these communications and presentations.

JOHN BELL, Secretary.

Town-Hall, Calcutta, March, 14, 1838.

[Hurkaru, March 16.

## SUBSCRIPTION FOR THE RELIEF OF SUFFERERS BY FAMINE IN THE NORTH WESTERN PROVINCES.

Already advertized.....	Co's. Rs.	30,672	9	3	John Andrews, Esq.....	50	0	0
Baboo Anshootosh Day and Promothonath Day .....	500	0	0	0	Thos. Brae, Esq.....	50	0	0
" Radamadub Banerjee.....	300	0	0	0	John Caw, Esq.....	30	0	0
" Gopaul Loll Tagore.....	200	0	0	0	Ramgopaul Ghose Baboo.....	32	0	0
" Connoyloil Tagore.....	200	0	0	0	J. Carey, Esq.....	100	0	0
M. A. Bignell, Esq.....	100	0	0	0	John Porteous, Esq.....	60	0	0
Col. Macleod.....	100	0	0	0	B. Water house, Esq.....	10	0	0
Col. Burton.....	100	0	0	0	From a friend to the distressed.....	10	0	0
Messrs. Bathgate and Co.....	100	0	0	0	W. A. Green, Esq. ....	50	0	0
Sumboochunder Sandle.....	10	0	0	0	R. Kerr, Esq.....	25	8	0
Charles Dearie, Esq.....	50	0	0	0	N. Alexander, Esq.....	100	0	0
Major R. Becher.....	100	0	0	0	T. H. Gardener, Esq.....	30	0	0
Capt. Birch.....	20	0	0	0	J. Moore, Esq.....	50	0	0
Mr. G. Pennington.....	50	0	0	0	James Young, Esq.....	100	0	0
Messrs. Muller and Co.....	200	0	0	0	Union Bank Native Establishment.....	54	4	0
Hedger and Smalley.....	32	0	0	0	John Pearson, Esq.....	300	0	0
C. K. Robison, Esq.....	32	0	0	0	James Ranken, Esq.....	100	0	0
Mrs. H. Shakespear.....	100	0	0	0	F. Macnaghten, Esq.....	100	0	0
Miss A. Shakespear.....	50	0	0	0	Uncovenanted Assistant Govt. Agcy. Offi.	174	0	0
Mrs. H. M. Parker.....	100	0	0	0	A. Batten, Esq.....	50	0	0
James Hutchinson, Esq.....	50	0	6	0	E. M. C.....	10	0	0
R. Walker, Esq.....	100	0	0	0	J. F. M. Reid, Esq.....	50	0	0
Govt. Saving's Bank.....	42	0	0	0	H. Martindell for the Gent. of the At. De.	162	0	0
D. McFarlan, Esq (additional).....	50	0	0	0	Dr. Wallich.....	100	0	0
A. H. Sim, Esq.....	50	0	0	0	Mr. H. Miller.....	6	0	0
Capt. T. T. Harrington.....	50	0	0	0	Dr. Egerton.....	100	0	0
J. B. Tassin, Esq.....	50	0	0	0	Major Mountain, H. M. 26th Regt....	40	0	0
A friend to the Poor by Mrs. Burgess..	8	0	0	0	Harrischunder Bose Baboo.....	50	0	0
J. DeCruz, Esq.....	10	0	0	0	Messrs. Bruce, Shand and Co.....	500	0	0
Capt. H. B. Henderson.....	50	0	0	0	W. H. Carey, Esq.....	10	0	0
Col. C. Graham.....	100	0	0	0	E. B.....	16	0	0
Major J. R. Colnett.....	50	0	0	0	Mr. Dampier—Offis. attached to his Estbt.	101	0	0
C. Harvey, Esq.....	13	0	0	0	W. C. Hurry, Esq.....	100	0	0
Mrs. Pemberton.....	100	0	0	0	Native Estbt. of the Bishop's College....	31	2	0
Messrs. Stewart and Co's native sircars.	9	0	0	0	G. H. Withers, Esq.....	50	0	0
Mrs. G. H. Huttman.....	25	0	0	0	A friend to the distressed.....	50	0	0
					The College Sacrament Fund.....	25	0	0

Native Estab. of Messrs. Gilmore and Co.	38	0	0	Establishment of the Mint.....	158	2	0
D. Makenzie, Esq.....	25	0	0	Peary Mohun Sen, Baboo.....	20	0	0
Major James Bedford.....	50	0	0	Establishment of Messrs. Bagshaw and Co.	80	0	0
Non-commissioned Officers and Privates of H. M. 25th Regt.....	109	6	0	Govinchunder Banerjee.....	100	0	0
D. B. S.....	50	0	0	Nilcomul Paul Chowdry.....	100	0	0
David Ross, Esq.....	50	0	0	Joychunder Paul Chowdry.....	100	0	0
R. J. D.....	10	0	0	Sonaton Coondoo.....	25	0	0
Captain Birch as per list.....	87	0	0	Gopauchunder (huckerbutty).....	5	0	0
John Morgan, Esq.....	16	0	0	Sundry per ditto.....	6	0	0
Native Establishment of Mr. Carmichael	26	8	0	Professors and Studts. of the Medl. Col.	273	0	0
Pewarychund Mitir.....	4	0	0	Arsenal Establishment of Fort William per Colonel Powney.....	382	13	6
John Storm, Esq.....	50	0	0	Powder Works per do.....	143	8	9
W. Storm, Esq.....	50	0	0	Dum-Dum Subscriptions per do.....	395	0	0
Mr. G. H. Robertson.....	20	0	0	D. W. Madge, Esq.....	6	0	0
Robert Watson, Esq.....	100	0	0	G. A. Simpson, Esq.....	13	0	0
Mrs. Col. Faithfull.....	4	0	0	W. N. Garrett, Esq.....	56	0	0
Cornet Roche, 3d L. D.....	20	0	0	J. Dunsmore, Esq.....	50	0	0
W. Braddon's House Servants.....	11	4	0	Capt. Wilkinson.....	200	0	0
Capt. Simmonds.....	40	0	0	Lieutenant Harrington.....	50	0	0
Lady Grant.....	100	0	0	" Simpson.....	20	0	0
Hon'ble J. C. Erskine.....	100	0	0	Captain Wilkinson's establishment.....	70	0	0
George Udny, Esq.....	200	0	0	J. Taylor, Esq. Dacca.....	50	0	0
Major Hutchinson.....	50	0	0				
James Madge, Esq.....	25	0	0				
Ram Comul Sen Baboo.....	100	0	0				
Establishment Bank of Bengal.....	76	12	0				
Hurimohun Sen, Mint.....	20	0	0				

Co.'s Re 40,332 13 6

Hark. March 16.]

## REPORT OF THE COAL AND MINERAL COMMITTEE.

One of the last measures of Lord William Bentinck's active administration was, the appointment of a committee to investigate the mineral resources of the country, more particularly with reference to inland steam navigation. One half the expense of this invaluable improvement, which the country owes likewise to that enlightened Governor General—is absorbed in the price of coal. It was, therefore, self evident, that until this item of expenditure could be reduced, economy in other departments of the undertaking could be beneficial only to a very limited extent. The object to which the attention of the committee was directed was to ascertain whether other mines lying nearer to the main line of inland communication than the Burdwan mines, could not be wrought to advantage, so as to furnish this article at a cheaper rate. The committee divided the different fields of investigation among each other, and appointed Dr. McClelland their secretary. The present report, which is the result of their labors, has been drawn up under his direction.

The exertions of the committee, consisting of six gentlemen, engrossed with public duties in Calcutta, have necessarily been confined to the examination and arrangement of the documents which have been furnished them from the archives of Government, or through the researches of individuals. The active measures which the committee have undertaken are these. *First*, Mr. Homfray, the best practical miner in India, was deputed to survey and report on the Palamow field of coal. His report is unfavourable as far as it relates to the supply of steam vessels on the Ganges from this source. *Secondly*, The committee encouraged Mr. Erskine, of Elambozar, to re-open three or four coal seams connected with the great Burdwan basin, situated nearer to the Adji than to the Damooder, and 2,000 maunds of this coal have been delivered at the depot at Cutwa, at four annas the maund. *Thirdly*, Mr. G. Loch, of the Civil Service, has despatched a thousand maunds of Chirra Pronjee coal to Dinapore, at six annas the maund, under the auspices of the committee. *Fourthly*, A supply of coal

from the Chilmary Hills, on the western face of the Ganges, has been secured, and will be despatched when the season permits. *Fifthly*. The committee have ascertained that the coal which the Rajmahal Hills promised to furnish has not turned out according to expectation. Other localities of coal have been discovered, if not through the instrumentality of the committee at least during their existence. This report of labors, on which we shall subsequently offer a few remarks, closes with a list of all the sites of coal at present known in India.

Burdwan,—Raniganje, the Principal Colliery, discovered by Jones.	
Chinakoorce, the best quality of coal,...	Mr. Betts.
Various other beds have been occasionally opened.	
Adjui Seedpore,.....	Opened by Mr. Erskine.
Parthapore,.....	By Jones.
Darhadanaghal, in boring,...	
Benares road, 14th mile	Everest.
stone, and other places...	
Hansreebazar,...	Colonel Shelton.
Rajmahal,—Patandeh Baghelpoor,...	
Skrigully,...	By Captain Tanner.
Hurra,...	
Palamoo,—Two principal beds,...	Discov. by Mr. A. Prinsep.
Amarath,...	In Mr. Homfray's Survey.
Ridjegurh,—Specimens not yet seen,	By Mr. Highland.
Nurrounda,—Power river,.....	
Hoshangabad,.....	Captain Ouseley, Lieut.
Jubulpore,.....	Finnis and Dr. Spilsbury.
Sobegpore, .....	
Chanda,.....	Specimens from natives.
Wardanala,.....	By Lieut. Kittos.
Cuttack,—Mahanadi.....	Discovered by Captain
Assam,—Deuphancee, near Bra	Wilcox.
makoon,.....	Lieut. Bigge and Mr.
Lamroop river, .....	Griffith.
Sufrai or Disang river	Mr. Bruce.
near Rangpoor,.....	
Dhunalree river,.....	
Jumoon river,.....	Mr. Scott.
Kossila river, near Gowa-	
hati,.....	
Chilmari and Doorgapoor,...	Mr. Scott.
Sylhet,—Laoor and other sites,...	Mr. J. Stark, 1815—Jones.
Khasya Hills, Chirrapoojee	Mr. Furne-
	Mr. Giesroff.

Sarrasin,.....	Mr. Farnole.
Manipur, near capital,...	Mr. Cracroft.
or boundary, Gendah, on	Captain Pemberton.
Kuendaan river,.....	Dr. Richardson.
Arracan, —Sadoway District,...	Mr. H. Walters.
Kyook Pyon Island,.....	Captain Foley.
Moulmein, —Anthracite at Butthung	Captain Foley.
Southern India, —Travancore, Fos	Colonel Cullen.
all seeds carbonized,...	
Himalaya, —Kamaon lignite,.....	Captain Herbert.
Moradabad, lower range,...	Mr. Ravenshaw.
Indus, —Cutch,.....	by Captain Burnes.
Peshawar,.....	

The first section of the report contains general remarks, which wind up with these valuable observations :

" In the foregoing situations coal has been traced from Burdwan to the westward, across the Valley of Palamow, and from thence through the district of Sohagpore to Jubulpore, and the neighbourhood of the Sak, and the Tow, a river in the Narbudda territories, 420 miles distant from Burdwan. Observing nearly the same parallel of latitude, it is found in the province of Cutch, whilst it is extended in the same line across the centre of India to the N. E. extremity of Assam, forming a zone that stretches from 69 to 93, E. longitude, embraced in an opposite direction between the 20 and 25 N. latitude. Chanda on the Warda river, Cuttack and Arracan being its southern boundary, whilst the Vale of Callinger west of Allahabad, the Teesta river at the base of the Sikkim Mountains, and Upper Assam, form the northern limit.

" There are, however, two situations in which coal has been found distinct from this extensive and well defined belt, namely, Hurdwar and Attock ; the first near the source of the Ganges, and the second near that of the Indus. Although situated in the plains, yet both these situations appear to be too closely connected with the Himalaya, and too much detached from the tract now under consideration, to allow of their being considered in common with it. In the researches of infancy of this nature, for such we must as yet consider the state of our information upon the subject of coal, it would be wrong to attach exclusive importance to the peculiar distribution of the mineral just noticed, further than to observe, that this distribution appears to be highly favourable to all these objects for which coal is desirable.

" Cutch, the extreme western limit of what here might be named the carboniferous zone, is placed in the most favourable situation for yielding supplies for the navigation of the Indus, the coast of Malabar, and the Red Sea. The Nerbudda river extends 700 miles along the very centre of this zone, and coal in three situations is already found on its banks. The Soane, the Ganges, and the Hooghley, are each intersected by it, and the Bramaputra, and probably the Irrawaddi, are extended parallel to it throughout their navigable extent.

" Now, on the other hand, this belt had been extended from the punjah towards the south, scarcely a navigable river, but the Indus alone would, in such cases, be approached by it, and the interests of navigation would be as little benefited by the presence of a carboniferous zone, as if the valuable production by which it is distinguished, were hurried beneath the table-lands of the Himalaya. It is, therefore, sufficiently encouraging in this early stage of the enquiry to find the general distribution of coal so favourable, nor need we, as is evident from the Attock and Hurdwar coal, despair of finding supplies available for the navigation of the northern portions of the Ganges and Indus as soon as enquiries are directed in those remote quarters to the object here in view.

The second section contains a very valuable geological disquisition on the difference of level in Indian coal fields, it is too long for quotation, and too strictly scientific for the general reader.

The third section refers to Silhet coal district, which the committee places first in point of importance, not on

account of its accessibility,—for the distance of its locality from navigable streams, has as yet prevented its being brought into use.—But on account of its superior excellence, it is the finest coal hitherto discovered in India, being found to be 10 per cent. superior to the Burdwan coal. Mr. Colebrooke first directed the attention of Government to it, in 1813, and Mr. James was soon after sent to explore the mines. But the Khasya Hills had not then come into the possession of the British, and the valuable mines concealed in their bosom were unknown. Various indications of coal at the base of the hills were discovered by Mr. James and by Mr. Stark, but from that time to the present no attempt has been made to survey those localities, or to ascertain by what means the coal they contain may be turned to the benefit of the country. The Chirra coal was discovered in 1831, about a mile distant from the Sanatorium, forming a large portion of a perceptive. It may be delivered at the foot of the Hills, or at Pundua, at four annas the maund, which is the usual charge for portage by the Khasyas. The report says, " If the demand for this coal were sufficient, the expense of conveyance might be much lessened by carting it from the pit to the brow of the mountain, and for the remainder of the distance employing either mules or bullocks, except at the more difficult passes, where a man might be stationed to receive the loads : such improvements in the mode of conveyance would imply a certain outlay in forming better roads ; but even without this, Mr. G. Loch has afforded a practical proof of its value by the delivery of 1,000 maunds of this coal at Dinapore, including all charges, and under every disadvantage, for 425 rupees the thousand maunds, being 350 rupees less than the contract price." Why the committee doubt that the demand for this coal is insufficient to encourage exertion, we are at a loss to comprehend. It is unquestionably the very best coal in India, and the demand for it must, therefore, always be great. If it can be conveyed by a very circuitous route from Chirra to Dinapore for six annas the maund, we do not see why it could not be transmitted by a more direct route to Calcutta, at the same rate ; and Chirra coal for the steam engines in Calcutta, at six annas the maund, would be universally preferred to Burdwan coal at five annas. But placing the manufactories in Calcutta out of the question, after the experiment so successfully made by Mr. Loch, this mine of coal ought, above all others, to draw the immediate and close attention of Government, for the purposes of inland navigation. If the coal can be delivered at Dinapore, which the committee admit, at six annas the maund cheaper than the coal now conveyed to that place from Calcutta, it can be delivered at six annas the maund cheaper at every depot above Dinapore, as far as Allahabad, and for a still less sum at every depot below that station, down to the point where this coal, coming from the eastward, enters the Ganges. This is by far the most important discovery which has been made under the auspices of the committee, and Government will shew a great disregard of their own interest and the welfare of the country, if the question is allowed to lie dormant. We have not the documents before us from which we lately drew up the abstract of receipts and expenditure, in connexion with inland steam navigation, but we should think that a reduction of six annas the maund on all the coal that is used between Rajmahal and Allahabad, would effect a saving of twenty-five thousand rupees a year, upon the present consumption. In addition to this advantage in price, the coal would be ten per cent. superior to that which is now used. Here then is a field for the exertions of the committee, in which an abundant harvest of benefit may be immediately reaped. But why, in the prospect of such advantages, should not officers of Government be employed in discovering some cheaper plan of conveying the coal from the mine to the river, than the barbarous and primeval mode of carrying it upon human shoulders, which is now in use ? Just at this juncture, we have a body of sappers and miners,

and of scientific officers engaged in the neighbourhood of Chirra in constructing a military road to Munipore. Why could not this circumstance be improved; and the engineer establishment, before they quit this part of the country, be set to discover a more scientific mode of conveying this coal to the river? We hope the question will attract notice in the highest quarter. If through

the instrumentality of the officers now engaged on the Munipore road, means could be created by the construction of a good road, of diminishing by one half, the price of this coal, as it reaches the point of embarkation, would not the whole expense thus incurred be refunded in two years, even if the establishment of steam vessels should not be doubled?—*Friend of India*, March 16.

## MILITARY FUND.

The directors beg to submit to the subscribers of the Bengal Military Fund, the case of Mrs. Margaret Kelly, widow of the late Major Kelly of Her Majesty's 24th regiment of foot.

A claim was made by this lady on the 19th January 1836, to be re-admitted to the benefit of the pension she enjoyed from the late Bengal Military Widows' Fund, in right of her first husband (Captain John Graham of the cavalry, see No. 1.)\* but, as the rule of that institution (see No. 2) only granted pensions during continuance in widowhood, she was informed with others situated like herself (see cases No. 3) that her claim was inadmissible.

Major Adair of Her Majesty's 24th foot in a letter dated Dumfries, 20th April 1837, (see No. 4) having solicited an appeal to the subscribers from this decision, which having been approved of by three directors, it is therefore submitted to the subscribers for their decision, in doing which the directors will briefly state the grounds on which this and other ladies' claims to re-admission on subsequent widowhood, who were annuitants of the late fund have been rejected.

The late fund was established in the year 1804, from which period to 1st November 1824, when it was incorporated with the present fund, not a single application was made for re-admission on second widowhood. On the establishment, however, of the present fund rule 24 of which (see No. 5) admitting an annuitant to the benefit of the pension, she may have enjoyed in right of her first husband's subscription on subsequent widowhood, several claims were preferred by annuitants of the late fund for re-admission, but rejected by the directors as their re-admission was inconsistent with the rules and practice of the late fund, which only granted pensions during continuance in widowhood, whereas there is an express rule in the present fund for re-admission on subsequent widowhood, to the benefit of which parties whose husbands died before the present fund, was established, or the said rule adopted could not be entitled.

Thirty-eight annuitants of the late fund have re-married and if the precedent of this nature is once admitted, it may prove detrimental to the interests of the fund.

By order of the directors.

H. MARTINDALE,

Secretary Military Fund,  
Calcutta, Military Fund Office, 28th February 1838.

(No. 2.)

25.—The widows of members shall receive, from the day of their husbands' decease, and during their continuance in widowhood, the regulated pensions.

(No. 3.)

Copies and extracts of secretary's correspondence relative to previous similar applications.

To MAJOR W. L. WATSON,

Deputy Adjutant General.

SIR,—I am directed to acknowledge the receipt of your letter of the 1st instant, and to acquaint you, that the directors regret that they cannot consistently with

the regulations of the late Bengal Military Fund afford any assistance to Mrs. Browne, late Mrs. Colonel Morgan.

To MRS. ———

MADAM.—The directors regret that, agreeably to the rules of the late widows' fund, to which your late husband was a subscriber, you are not entitled to be re-admitted to its benefits. The rule quoted by you, article 26th of the military fund, not being applicable to you as Lieutenant Smith died on the 6th December 1824, and the Military Fund was established on the 1st November 1824.

To MESSRS. COCKERELL, TRAIL AND CO.

Agents Bengal Military Fund, London.

GENTLEMEN, Mrs. Hind, late Mrs. Thornton, widow of the late Major Thornton, and late a pensioner of the late Bengal Military Widows' Fund, is not agreeably to the rules of that institution entitled to be re-admitted to its benefits. The rule (26) of the military fund under which the executors of the late Colonel Hind (who never subscribed either to the old or the present fund) have claimed her re-admission, is only applicable to the widows of the subscribers of the military fund established the 1st November 1824, nearly fifteen years after the decease of the late Major Thornton, you are, therefore, requested to discontinue the payment of a Major's widows' pension to that lady, and recover from her such sum as you may have paid to her.

(No. 647.)

To MRS. ———

MADAM.—The directors regret that agreeably to the rules of the late Bengal Military Widows' Fund to which your former husband was a subscriber, you are not entitled to be re-admitted to its benefits. The rule quoted by you, article 26 of the Bengal Military Fund, is not applicable to you as Captain Campbell died on the 22d November 1818, and the Military Fund was established on the 1st November 1824.

(No. 24.)

To MRS. ———

MADAM,—I am directed to acknowledge the receipt of your letter of the 31st ultimo, and to acquaint you, that your re-admission to the pension you formerly enjoyed from the late Bengal Military Widows' Fund, is inadmissible, agreeably to the rules of that institution, as already communicated to you in my letter No. 647, of the 12th ultimo.

The directors regret, that your late husband should have been misinformed regarding your re-admission by the agents of the fund in England, and it is also to be regretted that he did not apply to this office on the subject, but the directors have not the power to act contrary to the rules laid down for their guidance.

(No. 360.)

To MRS. ANN GILES.

No. 5, Tavistock Place, London.

MADAM,—Agreeably to the rules of the late Bengal Military Widows' Fund, to which your former husband,

\* Omitted as unnecessary.

Major William Willy Kitchen, late of the 15th regiment native infantry on the Bengal establishment, was subscriber, your re-admission to the pension you enjoyed in right of his subscription is totally inadmissible. The rule of the present Bengal Military Fund (by which you claim re-admission to the benefit of the pension you formerly enjoyed) being strictly inapplicable to the widows' of the late institution.

I have, &c.

(Signed) H. MARTINDALL,  
Secretary Military Fund.

Calcutta, Military Fund Office, 1st July 1833.

(No. 518.)

To MRS. MARGARET KELLY,

MADAM.—Agreeably to the rules of the late Bengal Military Widows' Fund, to which your former husband Captain John Graham, of the cavalry, was a subscriber, your claim to re-admission to the pension you enjoyed in right of his subscription, is totally inadmissible. Pensions by the rules of the institution continuing only during widowhood and not claimable on subsequent widowhood.

(No. 4)

To H. MARTINDALL, Esq.

Secretary Bengal Military Fund.

SIR,—Your letter to Mrs. Kelly, under date the —, was duly received by that lady; she is much concerned to learn from it, that her re-admission to a pension from the Widows' Fund, had not been sanctioned by the directors. Upon the reasons which are assigned for this judgment, viz. "that such pensions continue only during widowhood and are not claimable upon subsequent widowhood," at the request of Mrs. Kelly, I crave permission to remark on her part, that although the original rule 17 of the Widows' Fund decreed a suspension of the stipend upon re-marriage, it contained no prohibition against its renewal upon second widowhood. Its terms on the contrary are general, that the pension shall continue "during widowhood," and apply to any and every occasion during which the claimant may be so left. To limit its duration to first widowhood is an extension of the rule unwarranted by its letter, and quite against the spirit of the institution, which intends not only the (partial and temporary) relief, but the continuing support, while necessary, of the "Widows of Officers." On the revision of the fund rules, which took place in 1821, the wording of the relative articles 25 and 29 continued equally strong and general, the phrases then used are "during continuance in widowhood," and "in a state of widowhood."

The general practice in such societies, and indeed in law, is, that where a deprivation or penalty is intended it shall be expressed, and in such cases, the affidavit on which depends the continuance of the indulgence to the widow, declares that ever since the husband's decease she has continued and then is a widow.

In what may be called the sister fund, of the Indian army, viz. Lord Clive's Bounty, the declaration required is equally direct and explicit; oath is made by the claimant that she has not contracted marriage with any other person

since the death of her aforesaid husband. The meaning here is well defined and cannot be mistaken; what is intended is declared, that a marriage would involve the forfeiture of the pension.

The practice of the British army is very different from that which the judgment of the Military Fund directors has for the first time made known to Mrs. Kelly. The compassionate allowance or Royal Bounty to the widow of an officer is not (See His Majesty's Warrant, 13th June 1836,) forfeited on her re-marriage, but continues during every subsequent coverture and widowhood, nor is it like the pension of the widow, of the Indian Officer, purchased by high subscriptions during his life, but it is a free and gratis grant.

The late Captain Graham subscribed to the widows' fund from its commencement to his death in February 1816, a period of nearly 11 years—all the return for this long subscription which his widow has hitherto received is her pension for barely two years. If the directors would but recollect the large amount of capital, nearly 13 lacs of sicca rupees transferred in 1824 from the Old Widows' to the New Military Fund, the claim to some share in the benefit thereof of the widow of an officer, who so contributed to it, would, I believe, be found deserving of further and favorable consideration. This principle, that the benefit of the continued support and increased rate of interest then promised by the Court of Directors should not be limited to the parties connected with the new institution has already been largely acted upon when they increased by one-third, the pensions of the old fund incumbents; by that increase a majority of those widows now receive larger pensions from the new fund than it grants to its own subscribers,—when therefore what is asked is not preference but equality, involves an innovation but proceeds on existing usage, and incurs but a paltry expense for a praiseworthy end. I cannot but think that a respectful appeal to the long well-known liberality of the Bengal army will not be made in vain when the very dependent state of their petitioner is thus brought under their notice. I beg, therefore, that the directors will permit the reference of this distressing case to the compassionate consideration of the army, should the present communication not suffice to establish in your opinion the claim of Mrs. Kelly to restoration of her pension.

I have, &c.

DUMFRIES, } (Signed) JAMES ADAIR.  
20th April 1837. } Major H. P. late of 24th regiment.

(No. 5.)

ARTICLE 24TH.—If a widow pensioner on the fund marries, her pension is to cease during her coverture, but in the event of her again becoming a widow, she shall be re-admitted to all the benefits she may have enjoyed from the fund during her first widowhood, in like manner as if she had not re-married, but subject, of course, to all the limitations and conditions prescribed by the regulations in the first instance. If the second husband shall also have been a subscriber to the fund the widow will receive however only one annuity, taking that which may be the greatest, that is to say, according to the rank of the first or second husband, whichever may be the higher.—*Hurkaru*, March 20.

## SECOND MEETING FOR THE FORMATION OF THE "LANDHOLDERS' SOCIETY."

In pursuance of a requisition which had been circulated sometime previously, upwards of two hundred of the most respectable zemindars assembled last Monday at 4 P. M. at the Town-hall. Among these we perceived the following distinguished individuals, Rajahs Borada-

caunth Roy, Raj Narain, Radacoonth Bahadoor, Kaly Kishen Bahadoor, Baboos Prosonnocomar Tagore, Ramcomul Sen, Ramanath Tagore, and other members of the Tagore Family, Baboos Lakhinarain Mookerjee, Abhoy Churn Banerjee, Promothoonath Deb, Ram

Rutton Roy, Oodychund Bysak, Raj Kishen Chowdhery, Sottychurn Ghosal, Mothooranath Mullik, Moonshy Ameer, Mahommed Ameer, and the Mooktears of several opulent rajahs and zemindars, who could not attend the meeting. We likewise observed several European gentlemen, among whom were Mr. T. Dickens, Mr. Geo. Prinsep, Mr. David Hare, and several other distinguished members of the community. The whole of the proceedings, with the exception of what fell from Mr. Dickens, was in Bengally, and, although considerable difficulty was experienced by us in preparing this our first report of proceedings conducted in that language, yet by the obliging assistance of a kind and talented friend, we can assure the reader that the substance of the speeches will be found fully given and as accurately reported as under circumstances it was possible.

Rajah Radhacanth Bahadoor being called to the chair, stated that the honor which had been conferred on him was due in the first instance to the Rajah of Nukleah, whose family was the most ancient among the zemindars of Bengal; but this Rajah, although he had been expected, was not present at the meeting. In his absence he thought the chair was due to Rajah Baradacanth Roy, whose family stood next in point of antiquity; but as the meeting had done him the honor of calling him to the chair, he would thankfully accept it. Under the British rule, he observed, the people had continued to live happily, until certain regulations, connected with the resumption operations, had been promulgated, which made all very anxious, and a gloom has been cast on the landholders. On the other hand, what good had the Government done for the people? When, some years ago, inundation laid waste the southern parts of the country the Government suspended its demand, for some time, but afterwards recovered it with interest, which measure ruined many estates and gave considerable trouble to the people. The resumption of rent-free lands was, however, the greatest grievance they had to complain of, and circumstances pointed out the expediency of forming a society. The benefits of such a society would be felt not only by those who resided in Calcutta, but all over the country, by forming communications with the different districts and this society. Representations were always necessary to be made to Government, in these proceedings; if any one adopted an erroneous course, the society afforded a ready means of correction, and through it grievances could be easily brought to the notice of the proper authorities. It was a common saying among the people 'that straw could be easily broken by the finger when in separate blades: but if several blades be united together and formed into a rope, it was capable of confining even a wild elephant and reducing it into subjection.' Union among the people was, therefore, highly necessary, and the establishment of such a society was much called for, in order to keep a watch over the measures of Government and its functionaries, and for the purpose of making representations to it.

Rajah Kaly Kishen Bahadoor expressed his full concurrence in the opinions of the chairman, and moved that a society be formed to be called the Landholders' Society. This resolution was seconded by Rajah Raj-Narain Roy, who also expressed his full concurrence in the views of the chairman. Carried unanimously.

Mr. Dickens stated, that he had been requested by the chairman to read the prospectus of the Society in English, for the information of those who understood that language, and that a Bengally version of it would afterwards be read and explained by some one who better understood that language than he did. He then read the prospectus which will be found in the *Hurkaru* of the 17th instant.

The chairman then stated, that previous to this, a meeting of several respectable zemindars and others had been held at the Hindoo College, which had appointed Baboos Prosonnecomar Tagore, Ram Comal Sen,

Bhobanichurn Mitter and himself, a provisional committee, for the purpose of preparing the rules of the projected society, which he would now read for the benefit of those who had not understood the English version of it, which had just been read by Mr. Dickens.

He then read the prospectus in Bengally, calling the attention of the meeting to those parts of the rules which required their immediate attention.

Moved by Rajah Rajnarain Roy, seconded by Rajah Kaly Kishen Bahadoor:

"That the rules now read be adopted as the rules of the society.

After the 2d resolution was moved, Mr. Dickens came forward and spoke:

Gentlemen: I congratulate you upon the occasion of our meeting, and upon the carrying of the resolutions already moved, which give existence and consistency to our society. As already an incipient jealousy of it has been displayed, I think it necessary to speak of my own reasons for coming forward, which otherwise, I should not have touched upon; I do not appear here in the character of a political agitator; still less in that of an advocate of any opinions, except my own, and those which I trust we have all in common. I am a proprietor of indigo factories of considerable value; I am besides by the grant of Government, a proprietor of lands in the zillah of Goruckpore, which, I trust, I shall be enabled by care and the assistance which I have secured to render productive, and bequeath as a valuable inheritance to my children. Thus should I chance to leave this country, my connexion with it will remain, and I am sure you will rejoice with me, when you reflect that from the change of policy which enables Englishmen to acquire property here, this is not likely to be a solitary example; but the connexion between both countries must needs become daily closing in all things, to the increase of knowledge, of kindness of feeling, and, I trust, to the improvement of both classes.

I join you, therefore, as one having an earnest and friendly feeling and a common interest, and disposed with all my power, with heart and head and hand to aid in the one common object, which we have all in view.

I congratulate you, gentlemen, on the formation of the first society for political objects which has ever been organized by the natives of India with large and liberal views, without exclusiveness, and with ends and aims of extensive utility. I see in it the germ of great things, and I am satisfied that the care and prudence which will be required to conduct these beginnings to fitting ends, will not be wanting.

I have said, gentlemen, that a jealousy respecting our objects has been already displayed, I but guard myself carefully from attributing such a sentiment to the governing power: I am satisfied that there no such feeling exists. But though the last charter has been called a "Charter of Freedom" for India, I cannot, I own, perceive that much extension of political liberty has been granted by it to any class, or that any thing like what we ought to call a guarantee for civil rights has been conceded to the natives of India, or to any class of its inhabitants. I do not profess to be an admirer of that charter,—I am no admirer of it, nor of the men who framed it; but though I may not deem them possessed of deep sagacity, nor of that fore-knowledge which could embrace all the consequences of their own acts, yet I am bound in candour to suppose that they must have foreseen some of those consequences, and must be pleased at seeing their anticipations verified by the event. If they did not (and they certainly did not) provide any guarantees for the rights of the governed, they at least promulgated the principle of equality. They have pronounced, gentlemen, that all men should be equal before the law, and equal in the eye of the state; and they gave utterance to an abstract principle, which first, for any practical purposes

or extensive application, had its birth in the National Convention of France, and they were doubtless sincere in what they were about, if they did not fully foresee the consequences of their own acts. This meeting, gentlemen, is one of those consequences which they might have foreseen, for one good tendency of their legislation, at all events, was to amalgamate all classes of the governed in the pursuit of their common interests, and we accept the professions of the charter in the full confidence that the practice will be agreeable to the professions if we are watchful enough to take care of ourselves.

We meet, gentlemen, because you conceive that you may have petitions to prefer to the Government which ought to be listened to, and grievances that may be redressed, and nothing can be more reasonable than to unite for such purposes when the end and aims are common to all. It is not my intention here to enter into a detailed examination of the various questions connected with the regulations for the resumption of rent-free tenures. I shall content myself with asking a few questions and making a few observations concerning them of a very general nature, but by the necessary answer to these questions it will be apparent we do not meet without a sufficient reason. I shall assume, in addressing you, that the special deputy collectors, the Collectors and the Special Commissioners of Government, are such a body of judges as this world never saw before: that they possess an absolute abnegation of all self-interest, a perfect independence of all considerations of advancement, a stern judicial impartiality unequalled in any country or age; but, no,—all this might, perhaps, be supposed to savour of sarcasm, as being exaggerated praise; I will suppose then, merely that, they are equal to any judges in any country, that they are equal to English judges in the best times of our history, that they are equal to French judges in modern France, to the judges in the United States of America. Let us then suppose that in England, or France, or America, a general warrant was issued by the executive power calling upon men to shew the titles of their estates or their title to exemptions from any impost, and then let us suppose that such questions were judged, as between the governors and the governed, by a body of men removable at pleasure, promoted at pleasure, many of them appointed for the specific purpose and for a short and uncertain period, and none of them having the smallest responsibility to the governed: what, I ask, would the Englishman, the Frenchman, or the American of the United States say to this? Why, among many other things we may conceive that they would say, and to cut matters short, they would say in plain words, gentlemen; that this was not fair trial. And so say we, gentlemen; and therefore, as well as for other reasons, we are met together this day; for if Englishmen would not be satisfied with such a trial neither ought you, for by the last charter you will not forget that we are all equal before the law, and the law itself ought to be, and we presume as we hope, it will be, equal to the best. You will bear in mind, gentlemen, as we go along, that I do not impute blame or evil motives to any class and still less to Government. I assume always that the intentions of all are right, and most especially the intentions of the governing class; but still, it is reasonable we may be permitted to think that a better safe-guard should be provided, and, therefore, feeling that in the union of many, for a common and reasonable object there is strength, we meet together. I had almost forgotten to notice one peculiarity of the revenue proceedings now in progress very worthy of note. I need not enlarge upon what such a people as the English or any civilized people would think of a general inquisition into the titles to all men's estates on which government had claims; but let us suppose that it had issued and then let us suppose that when the government as plaintiff and the individual as defendant were once in court, the defendant should find his situation suddenly reversed and he called upon

to prove his title to exemption from all claim, and that the government had no right to call him there on peril of forfeiture or assessment. Let us further suppose that a prescriptive right of sixty or seventy years was held to be no title to exemption, and that the government in ordinary cases paid no costs, and the defendant must pay his own and stamp taxes besides on the litigation thus forced upon him, what would an Englishman fresh from Europe say to all this? would he not say that all ordinary judicial maxims were here reversed, and that if these were rules of right, or of legal philosophy, he must unlearn all that he had been taught to hold as reasonable or regard as just?

I cannot too frequently repeat in this place, that in what I have said and am about to say respecting the causes of our fears, we do not impute blame to Government in either its legislative or executive capacity. We must divide and distinguish between Government in such capacities, and Government in its capacity of owner of the soil and landlord claiming its yearly rent; from Government in this its quality of landlord you have doubtless grievances to endure, but, after all, though heavy enough, such grievances are light compared with those that you might apprehend, if you could suppose a portion of the press which treats of such subjects and any authority for the principles to which it gives currency, or that they received countenance from authority. A portion of the press of this presidency and of the Mofussil from time to time, the question of the best means of raising a land revenue in India has been argued, as if it were still in Bengal an abstract and open question, and on grounds destructive of all public faith,—of all confidence between man and man, and of all the ties which bind men together in civilized communities. We are perpetually referred to the necessity which has no law, to the injustice which is done to any portion of a state, more heavily taxed than another, to the inconvenience of the exemptions of Bengal, Bahar and Orissa. If ever there was a solemn public compact entered into between the governor, and the governed, the latter ignorant, the former civilized and incomparably the best informed of the conditions, and acting with a forethought and deliberation commonly but little used even in such though the weightiest public affairs, it was the permanent settlement of the land revenue of Bengal, Bahar and Orissa by Lord Cornwallis: if ever there was an act which did honor to an individual governor, or made a conquering government worthy of esteem to all posterity, it was the permanent settlement, but now it is openly and covertly assailed by maxims which I think it better not to characterize by any epithets. According to the logic of the writers to which I allude, it was unjust in Lord Cornwallis, in 1793, to make a compact to limit the land rents of Bengal, because the north-west provinces which were acquired in 1803, or 1805, some eight or ten years after, do, in 1838, require a large expenditure, or because Madras or Bombay may exhibit an increasing deficit, why, after all, gentlemen, Bengal pays for all, and surely pays enough if it pays yearly much more than it costs. According to the reasoning of this portion of the press you are bound in justice to pay for each new conquest in the precise into of its inutility and costliness. Such calculations lead further than the writers think. Satisfied as I am that there was good reason for your meeting, I rejoice, gentlemen, that you have met. The framers of the charter, I have said, must, if gifted with the forethought and wisdom for which I am content here to give them credit, have been prepared for such results, and prepared too to rejoice at them. You have learned, gentlemen, from the charter that the native subjects of the Crown in India are and ought to be the equals of Englishmen, and you have this day been taught the secret that union is power. That is a lesson not to be unlearned, and the power you will thus acquire I doubt not you will keep and wisely use. You meet openly, which is a pledge of your good

intention. The Union for purposes that are avowed is safe, that which is secret is dangerous, and this, too, Government will not fail to perceive; you have made a step in advance in the career of political improvement, and I doubt not you will persevere in the good work you have begun. I offer you my humble but yet zealous aid, both here and elsewhere, if I should chance to leave India. In England, I believe, I shall have the means to offer you assistance more able and powerful than my own.

The resolution proposed by Rajah Rajnarain Roy was then put and carried unanimously.

Baboo Rameomul Sen observed, that those who had understood the last speaker, had, no doubt, been much informed and benefitted; but, as it was intended to publish the whole of the proceedings of this meeting in Bengal, it was needless for him now to enter into the subject. He then moved, seconded by Roy Kalyanath Chowdhry, that the following gentlemen be elected as a committee for the present year, viz. Messrs. T. Dickens and G. Prinsep, Baboos Prosonocomar Tagore, Dwarkanath Tagore, Rajah Rajnarain Roy, Rajah Kaly Kishun Bahadur, Baboos Ashotos Deb, Ramrotton Roy, Ramcomal Sen, Moonshree Ameer, Cowar Suttichurn Ghosal, and Rajah Radhacanth Deb, carried *unanim.*

Baboo Suttichurn Ghosal stated, that all here present being sensible of the benefits of the projected association, were unanimously desirous that it should be established; but as such an association could not be carried on without pecuniary aid, he would propose that a book be opened in which all persons wishing to become members subscribe their names.

This was seconded by Roy Kalyanath Chowdhry, who observed that many had subscribed for the construction of roads for the convenience of travellers, others for the support of schools to educate people, and, again, others for charitable purposes in order to relieve the poor: but none had subscribed his name in support of an institution whose object was to protect our political rights and privileges? The effects of such an institution would be felt not only by ourselves but our posterity. Let charity begin at home. He concluded by seconding the resolution, which had been proposed. Carried unanimously.

The chairman here observed, that the present meeting ought on no account to be considered as in any way opposed to the Government; on the contrary, if the object of Government be the good of the people, and this society observed that end, it was evident that Government could not but consider it as beneficial both to itself and to the country at large.

Rajah Kaly Kishun Bahadur then came forward and read a document which contained his speech, and of which the following is the substance:

Although he was unaccustomed to address public meetings; yet, considering this as a great assembly, convened for the purpose of carrying on a great object, it afforded him so much satisfaction that he was induced to offer a few remarks. The produce of the soil being the chief support of man, and his most permanent source of wealth, its ruin was the destruction, not only of our temporal comforts, but also of the means wherewith future bliss can be secured. It was to secure such property that this society was about to be established. It was, therefore, an object which every one could pursue with a satisfaction of consequence. Form the first place if the root be cherished, the enjoyment of the fruit must necessarily follow, or in other words, when any difficulty will arise to the interest of the landholders, they will be able to petition the Supreme Council for a remedy against the pending evil: Secondly, the Right Hon'ble Lord Clive, on the occasion of his proceeding to the Upper Provinces, among other nobles of India, conferred considerable rank, honor, and fortune, on Maha Rajah Dullob Roy, Sitab Roy, Rajah

Maha Rajah Raj Bullub Raean Roy, Jugutseth Khoosal Chund, and Maha Rajah Nobokishen Bahadur. These favors were conferred on them, on account of their conscientious support of the great political cause in which his Lordship was engaged. Nay, on the occasion of the war they were prepared to sacrifice their body and soul. All these facts are noted in the Government records. The people of this country, who are naturally loyal subjects, and patiently suffer the oppressions of Government, should receive some consideration from that Government, as the saying is, 'the strong is the support of the weak.' Thirdly, owing to the differences of opinion among our countrymen, it was difficult to unite them in a common cause: but in the present instance, union without reference to the distinctions of caste, evidently indicated future welfare to the country, and would prove as powerful as a rope formed of weak blades of grass, which when united could confine even a wild elephant, and keep him in order. For this great union thanks were due to Baboo Prosonno Comar Tagore and Baboo Rameomul Sen. It was, therefore, the ardent desire of the Rajah, that this society exist permanently; and continue, without partiality to confer its benefits on the country.

After this several slips of paper were sent round for the names of those who intended to become members, and the following individuals were enrolled on the list:

Rajah Bhoirubindra Narain Roy, of Pooteah; Sreemutty Moharanny Kistomoney, by Kassinath Sendal. Rajshahee; Rajah Burrodakant Roy, of Jessore; Sreemutty Ranny Katauny, by Dewan Dabeeprasad Roy; Rajahs Radhacanth Deb Bahadur; Sibkrishno Bahadur; Kallykissen Bahadur, and Rajnarain Roy; Baboos Dwarkanath Tagore; Prosonno Comar Tagore; Hurro Comar Tagore; Shamall Tagore; Hurroall Tagore; Konoyall Tagore; Gopaulall Tagore; Wopen dermohun Tagore; Omachurn Banerjee; Bhugobuttychurn Gangopadaya; Aushootash Day; Ramrutun Roy; Roy Kalyanath Chowdhry; Roy Rambullub; Taraprasad Roy Chowdhry; Sreekishu Roy Chowdhry; Rajkishu Roy Chowdhry; Suttichurn Ghosal; Nilcomul Paul Chowdhry; Joychunder Paul Chowdhry; Unnodaprasad Roy; Uboychurn Bundapadaya; Surroop Chunder Sircar Chowdhry; Kallyprosonno Mookerjee; Ramgutty Nag Chowdhry; Praunath Chowdhry; Odoynarain Mundul; Ramcomul Sen; Ramanauth Tagore; Unnodaprasad Bonerjee; Omeschunder Roy; Mothoramohun Biswas; Anundomony Biswas; Bisamber Chowdhry; Mothoranauth Mullick; Baumn Doss Mookerjee; Sumboonauth Mookerjee; Joygopaul Roy Chowdhry; Jugutdullub Sing; Esaur Chunder Mustopee; Hurrypraun Mustopee; Gungannarain Paul Chowdhry; Bissonauth Mutteolall; Eesenchunder Roy; Muddosuden Sandel; Sumbhoochunde Mittree; Setanauth Mittree; Bisamber Sen; Muddosuden Nundy; Kassianauth Bose by Ramanauth Banerjee; Kallachund Bose; Rogoorm Gossin; Bhugobau Chunder Ghose; Roopnarain Ghosal; Gubindkrishu Moosoomdar; Geoolkrishu Ghose; Luckenarain Mookerjee; Gobind Chunder Bundapadaya; Kassenauth Bose; Kassiprasad Ghose; Joynarain Bonerjee; Wodoychand Bysauck; Radhanauth Chatterjee; Ramcomul Mookerjee; Bongueebuddun Saha; Ramdhon Ghose; Doorgaprasad Mookerjee; Takoordos Mookerjee; Khetromohun Mookerjee; Ramcomar Chuckerbutty; Srinauth Mullick; Sitanauth Mellick; Ramdhon Mittre, and Bussuntolall Baboo; A.C. Dunlop, Esq.; Owen John Elias, Esq.; Messrs. Dawson and Co.; Moonshes Golaum Nuby; Mahomed Aumer; D. Hare, Esq.; George Prinsep, Esq.; Messrs. Carr, Tagore and Co.; Mackillop Stewart and Co.; T. Dickens, Esq.; Alexander Binny, Esq.; Moonshes Habeeul Hosen; R. J. Bagshaw, Esq. and Amunul-lean, Vukeel of the Sudder Dewanny Adawlut.

When the subscriptions were ended, the usual vote of thanks was given to the chairman, and the meeting dissolved.—*Hurk. March 21.*





becoming apparent, it was deemed advantageous for the purposes of education to make it dependent on the public for popular support, and since 1835 it has been open to subscriptions and donations from those interested in the advancement of the natives of India. It begun with about 80 pupils, but now educates so large a number as 209 boys and upwards.

The boys are taught the rudiments of the English and the vernacular languages, and are instructed in the various branches of useful education. The first class seem to have a familiar insight in English History, and appeared to have been carefully taught the Latin. They read and parsed through some sentences of Dryden's Virgil with facility and the whole of the classes evinced proficiency and talent.

The examination was conducted by Captain Richardson, Messrs. Hare, James Middleton and R. Dias, and Rajah Kale Krishen made himself very useful in the Bengally examinations. The Rajah was supported by Baboo Moteeloll Seal, and one or two other native gentlemen.

The tutors attached to the institution are Isserchunder Shaha, Joychunder Bhose, Nundcoomar Bhose, Koilaschunder Bhose and others.

The 9th class read out of the English Spelling Book and explained the meaning of the words in Bengally.

The 8th class read out of an abridged edition of the English Reader, published by the School Book Society of Calcutta.

The 7th class read out of the same book, but in a more advanced page. These two classes could also explain the sentences in Bengally.

The 6th class read out of No. 2, of the English Reader and explained themselves very aptly in Bengally.

The 5th class read lessons from No. 3, of the above book, and explained themselves very satisfactorily.

The 4th class read and explained themselves from No. 4 of the Reader, in English.

The 3d class read from No. 1, of the Poetical English Reader and explained themselves also in English. They parsed very well too.

The 2d class evinced great efficiency in the Political Reader No. 2, they explained themselves well. This class answered questions in Geography and Roman History much to the satisfaction of those present.

The 1st class read several sentences from the first four Books of Virgil's *Æneas*, and answered questions in English History, geography, mathematics and grammar, with considerable aptitude.

About fifty books were distributed as prizes among those boys who had given general satisfaction to their tutors, and in the attainments of their studies, after which the visitors retired, much pleased with all they had witnessed.

At the close of the examination Rajah Kalee Krishen addressed the youths in the Bengally language. Mr. Middleton of the Hindu College then rose, and stated that he had watched the progress of the institution for the last five years, and had observed a regular advance in the proficiency of the students. He regretted to observe so few respectable natives present on this occasion, and he was compelled to confess that he regarded it as a characteristic indication of their apathetic indifference to the intellectual advancement of their countrymen. There were some noble exceptions, he said, to the applicability of this reproach, but they were very few. He concluded by congratulating the institution on its success. Captain Richardson next rose, and said that he was happy to express his concurrence in all that Mr. Middleton had said in favor of the institution. He (Captain R.) had privately examined the first classes, and had been highly gratified with the manner in which they had acquitted themselves. It was always, he observed, a most pleasing spectacle, to see so many Hindoo youths exhibiting a knowledge of the language and sciences of England, but the present occasion was one of peculiar interest from the circumstance of the teachers being themselves Hindoo youths, who had received instruction at our public institutions, and who devoted their time and labour *gratuitously* to the benefit of their countrymen. These teachers had other fixed duties to attend to, but they generously gave up all their leisure time, which they would have devoted to idle amusements, to the instruction of their pupils. It would be impossible for him (Capt. R.) to say how much he admired the conduct of these generous young men, and he hoped that when it became more generally known, that so noble an example would be followed by others of their countrymen. Mr. David Hare next addressed the meeting, and after explaining how he had watched the institution from its very commencement, expressed the deep interest which he felt in its success, and observed how much he had been gratified by the examination which had just taken place.—*Hurk. March 13.*

## STEAM TUG ASSOCIATION.

MARCH 26, 1838.

Fourth half yearly meeting of the proprietors of the Steam Tug Association, rendered special as per following advertisement :

### PRESENT.

J. Cullen, Esq.,	A. McGregor, Esq.,
Charles Dearie, Esq.,	A. H. Sim, Esq.,
Alby (for Dr. Burt.)	Charles Dumaine, Esq.,
Captain Somerville.	John Carr, Esq.,
Captain Thompson,	K. R. Mackenzie, Esq.,
J. W. Cragg, Esq.,	W. Prinsep, Esq.,
George Hill, Esq.,	J. D. Dow, Esq.,
James Hill, Esq.,	Radanath Dutt.

Mr. SIM, being called to the chair.

The half yearly report of the committee and secretaries having been read, it was resolved unanimously,

That the report be received and recorded, and the accounts attached thereto be passed.

Proposed by Mr. Cragg, and seconded by Mr. Dearie, and carried,

That all shareholders of the original stock subscribed in sicca rupees, be entitled to receive, whether in cash or as a set-off against whatever new stock they may take in the enlarged subscription, the difference of value of each share between the old and new coin, viz. Co.'s Rs- 66-10-8 per share.

Upon consideration of that part of the report which refers to reduction of the establishment.

Captain Thompson stated his reasons for calling a special meeting of proprietors for determination upon this question, which were forcibly urged by him to the effect that the vessels had worked well upon the present footing and were paying well, and that he conceived the proposed reductions would save a mere trifle to the asso-

ciation, while the keeping up of the same establishments as heretofore would secure the more active and zealous conduct of those employed.

Read a letter from Captain Cunningham, of the *Forbes*, much to the same effect.

Proposed by Mr. Cullen and seconded by Mr. Macenzie, and carried,

That it is not expedient to reduce the establishments of the present tugs, below the statement of their late equipment (laid upon the table), as regards present incumbents, but that the committee be requested on vacancies taking place, to use their best exertions to promote economy consistent with the full efficiency of the vessels.

Proposed by Mr. James Hill and seconded by Mr. Cragg, and carried,

That the committee be requested to enquire into with a view of ascertaining whether a better method of supplying the fuel for the steamers cannot be found, and whether the appointment of an efficient superintendent at the coal depôts might not be desirable.

Proposed by Mr. Cragg and seconded by Mr. G. A. Prinsep, and carried,

That a dividend of 50 Company's rupees per share be advertised for immediate payment.

Proposed by Mr. G. A. Prinsep and seconded by Mr. A. McGregor, and carried,

That the measures taken by the committee and referred to in the report for the construction of the two new vessels, and for the procuring their engines from England, are confirmed, and the thanks of the proprietors be conveyed to Captain Henderson for his active and zealous aid on behalf of the association.

Read a draft of the additional articles proposed by the legal advisers of the association for embracing the 200 additional shares.

Proposed by Mr. W. Prinsep and seconded by Mr. Cullen, and carried,

That the additional articles referred to, be engrossed as an appendix to the deed of co-partnership, and the signatures of all new subscribers be procured thereto.

With reference to the 18th clause of the deed of co-partnership, requiring the annual election of the committee of management.

It is Resolved unanimously.

That the gentlemen who were upon the late committee be re-elected, and that James Cullen, Esq., be elected in the room of John Stewart, Esq., deceased.

That the thanks be given to the chairman.

(Signed) A. H. SIM, *Chairman*.

*Hurk. March, 29.]*

## DISTURBANCE AT DUM-DUM.

We learn that a disturbance, or rather a difference, but of a somewhat serious nature, has, within the past week, taken place among the troop-establishments of the Horse Artillery at Dum-Dum. The facts and generally understood causes are thus represented to us: "The troop in question arrived from Kurnaul in the month of January last; and, not aware of any claim which the syces and grass-cutters had, or conceived themselves to have, to a higher rate of pay, in consequence of their location at regimental head-quarters, than they before received while cantoned in the upper provinces or on the march down, the commanding officer drew for them in his abstracts for that and the succeeding month at the old and general rate of four rupees a syce and 3-8 for each grass-cutter, and these rates were duly passed and paid to him in the proper departments. On pay-day, however, the men refused to receive these sums, alleging that they (the syces) were entitled to five rupees, the grass-cutters to four rupees each, and that the establishments of the relieved troop and its predecessor had, ever since 1848, received such higher rates which were specially authorized for the presidency station. The circumstance was reported through the Commandant to Major General Sir Willoughby Cotton, commanding the division. Whether in consequence of instructions to such effect from that quarter, or acting upon his own judgment, we know not precisely, but Brigadier Faithful had the men assembled and ordered them to take their pay, that is the lower rate, which they did. Subsequently, however, when the ordinary stable duties came to be demanded of them by the troop officer, the great majority were not forthcoming, and after several ineffectual bugle calls only some fifty or sixty could be mustered for the service of the horses. In more than one instance the complaints of the treatment which they had received, and their refusal to resume their duties were "improper in form and insubordinate in expression." And thus the matter stands for the present.

We are advised that this belief on the part of these men originates thus: The scale of pay claimed by them was sanctioned for similar establishments of the horse artillery depôt of instruction (which existed at Dum-Dum, from the end of 1825 until the beginning of 1830) and is the same as received by the syces and grass-cutters of the Governor-General's body guard at the presidency. Two years previously to the abolition of such depôt, by Lord Wm. Bentinck, a troop of horse artillery was for the first time stationed at Dum-Dum, and (we suppose because it would have been an absurd anomaly that the same classes of servants in the same arm of the service should receive different rates of pay at the same station), to the establishments thereof, so long as they should continue at Dum-Dum, were sanctioned the allowances before authorized for those of the depôt. As, although a relief of the horse artillery at the station has since taken place more than once, it has never extended to the troop horses, the syces and grass-cutters have remained stationary until the present year, when the relieving troop brought down all its material equipment, horse, draft and native establishments, while those of the relieved troop accompanied in like manner its recent march to Upper India, having received until the last the high rates of pay allowed to them nine years before. Aware of what their predecessors had received at Dum-Dum, expecting that this was the local rate, and not a special grant, under temporary circumstances to the establishments of a particular troop, the syces and grass-cutters of Captain Wood's troop of horse artillery have claimed the same. Thus it will be seen that they have some ground for their belief, some show of reason for their expectation. But it will, of course, remain with the Government, to whom the matter has already been referred, to decide on the merits of the men's claim, as to whether the rate hitherto sanctioned is to continue in force at Dum-Dum with this, and all future troops, or to terminate with the departure of the men in whose favour the increase was specially made.

So much for the history of this little affair, on which, as in many more or less similar cases, since the unfortunate total abolition of corporal punishment in the native army, our readers will, as ourselves, be compelled with regret to observe the extreme helplessness of commanding officers, whenever their legitimate authority is, as here, disputed by their native soldiery and regimental establishments. Orders are disobeyed, duties unperformed, wholesome control impracticable, because the European officer knows, that if he brings an offender to a court-martial, that court will and must pronounce the very sentence to obtain which the offence was committed. There are not, there cannot be, intermediate and second

dary punishments of any efficacy in the native army. It was, therefore, a most erroneous liberality—the evil effects of which are becoming year by year more and more apparent,—to remove the one old barrier of restraint, to prohibit any the slightest and most necessary flogging, the dread possibility, the distant terrors of which had most salutary effects upon the discipline and respectfulness of the sepoy. Rarely resorted to, and then as a preliminary to permanent and ignominious discharge, it was not abused, it was not as elsewhere and of old a horror to humanity, but a needful and proper, because efficient and moderate, punishment for the two offences to which it was latterly restricted.—*Hurkaru*, March 28.

### THIRD MEETING FOR THE FORMATION OF THE LANDHOLDERS' SOCIETY.

*Proceedings of the Meeting of the Committee of the Landholders' Society, held on the 27th March 1837, at the Town Hall.*

**Present:**—T. Dickens, Esq.; G. Prinsep, Esq.; Rajah Burrodacant Roy; Rajah Kalikrishna Bahadur, Rajah Rajnarain Roy; Cowar Suttechurn Ghossaul; Baboo Ramruttun Roy; Baboo Ramcomul Sen; Baboo Prossunocomar Tagore, and several visitors.

P. C. Tagore, the Provisional Secretary of the committee, submitted the names of the following gentlemen who have applied since the last public meeting to be elected as members of the society, and they were accordingly elected unanimously:

Mr. Martin, of Messrs Cockerell and Co.; Mr. Deuman, of Messrs J. A. Walker and Co.; P. J. Paul, Esq.; R. Salano, Esq.; James Farlong, Esq.; John Carr, Esq.; W. N. Hedger, Esq.; W. Storm, Esq.; John Bell, Esq.; John H. Brigman, Esq.; H. Harris, Esq.; D. Andrew, Esq.; A. C. Dunlop, Esq.; J. Humfrays, Esq.; George Palmer, Esq. at Poorueah; W. F. Fergusson, Esq.; Baboo Ramthone Banerjee; Baboo Unnodaprasac Banerjee; James Fergusson, Esq.; Capt. G. Vint; John Holingsheeb Haiues; Rustomjee Cowasjee, Esq.; Ranees Soorja Money Debey, zemindar of purgunnah Lushkeipore Rajshaye, by her Dewan Casseynauth.

Mr. Dickens proposed the following resolution, which was seconded by Rajah Kallekissen Bahadur, and carried *nem con*.

Resolved, that the names of parties wishing to become members shall be proposed at any ordinary meeting, and such members shall be ballotted for, and elected at, the ensuing one.

Proposed by the P. Secretary, that the Union Bank be requested to act as treasurer of the Society, and it was accordingly resolved that a letter be written to the secretary of the Bank on the subject.

Proposed by the P. Secretary, that the following establishment is necessary to commence the business of the Society, and it was accordingly passed by the meeting.

#### *Proposed Establishment for the Landholders' Society.*

An European Secretary.....	0
An Assistant.....	50
A Pandit.....	20
A Moonshiee.....	10
A Peon.....	5
A Duftry.....	5
Contingent charges.....	10

Co.'s Rs. 100

The committee authorized Mr. Dickens to secure the services of a European secretary for the Society, upon the understanding that the gentleman selected shall take

charge of the office at present *gratuitously*, until the fund of the institution shall enable the committee to allot a reasonable allowance to him.

Proposed by the P. Secretary, that as a division of labour is unquestionably found to be of great advantage to a great undertaking, and also in anticipation of other benefits, it be resolved that for each three districts of Bengal there be two gentlemen of the committee appointed special corresponding members, with a view of attracting new members to the Society from those districts, and endeavouring to establish Branch Societies there as recommended by rule xxxiv. of the Society, as well as to promote the general objects of the Society, and it was carried unanimously.

Proposed by Rajah Kalle Kissen Bahadur, and seconded by Rajah Rajnarain Roy, and carried, that notifications in English and Bengally be inserted in the newspapers, that any party desirous to become a member of the Society may send his name to the secretary, and the amount subscription to the Union Bank.

Proposed by the P. Secretary and carried *nem con*, that the rules of the Society and the proceedings of the first day's meeting be printed in English and Bengally, and in English and Oordoo, 1,000 copies each, and 200 copies also in English, and on thin press paper, the former for distribution in the Mofussal, and the latter for despatch to England.

Proposed also by the P. Secretary, and carried, that notices of motions on all subjects be given by the member who proposes to move at one ordinary meeting, to be discussed and decided in the following one.

Proposed by the P. Secretary and carried, that a respectful letter be addressed to the Government informing it of the establishment of the Society, and soliciting that it will command the service of the Society whenever required on all judicial, revenue and police matters, or any thing connected with the general welfare of the country, in the same manner as the Government now does with the Chamber of Commerce, in all points of a commercial nature.

The P. Secretary submitted an application from certain individuals requesting the Society to memorialize the Government to introduce the vernacular language in the proceedings of the Sudder Dewany Adawlut instead of Oordoo, as contemplated by the Judges of that Court, in substitution of Persian. It is ordered that, with reference to the preceding resolution on the consideration of this subject, it be postponed till next meeting.

It is resolved, that at present, every Monday at 4 p.m. a meeting of the committee be held until otherwise directed.

PROSSUNNOCOMAR TAGORE.

RAM COMUL SEN.

*Hurk. March 30.]*

*P. Secretaries.*

## SUPREME COURT.

FRIDAY, MARCH 3.

(Before Sir Edward Ryan, and Sir J. P. Grant).

Their Lordships gave judgment this day in the following cases which stood over.

**COKERRELL AND OTHERS ASSIGNEES OF PALMER AND Co. versus THEODORE DICKENS AND OTHERS.**

Sir E. Ryan said, that this was a demurrer to a bill in equity, and was argued before his Lordship sitting alone in the 4th term of last year. The court now allowed the demurrer.

The learned Chief Justice here went over the facts stated in the bill at great length; they are shortly as follow:—An Armenian merchant, deceased, resident in Batavia, was a creditor of a large amount of the firm of Palmer and Co. His interests are represented by the present defendants, the Registrar of the Supreme Court being the administrator in this country with the will annexed, and the other defendants being parties beneficially entitled under the will. Upon the insolvency of Palmer's firm the registrar of the Supreme Court as administrator *cum testamento annexo*, proved the debt due to the deceased creditor from the firm, and obtained payment of the rateable dividends. About the same period, however, a certain public body in Batavia, called the Orphan Chamber, who had been appointed by the will to act as executors and trustees for the deceased creditor in that country, instituted a suit in the courts of Batavia against certain property (a plantation) in which the firm of Palmer and Co. was interested. This suit being decreed in their favour, the property in question was ordered to be sold, and the proceeds directed to be paid over to the Chamber as executors and trustees for the deceased creditor. The whole amount thus received by the estate of this creditor of Palmer and Co., greatly exceeded the dividend received by the other creditors. Accordingly the present suit was instituted by the assignees of Palmer and Co., to compel the defendants (as being the only representatives of the party, who were subject to the jurisdiction of the Supreme Court of Calcutta) to refund the dividends which were paid over to them in ignorance of the proceedings instituted in Batavia, so as to make the amount received altogether by the state of this particular creditor not more than equal to the dividend paid to the other creditors.

The learned Chief Justice stated, that no authority precisely in point had been cited by the counsel who argued the case at the bar, although the question had been argued with great acuteness and ability. *Hunter v. Potts*, 4th Term Reports, and *Phillips v. Hunter*, 2d Henry Blackstone, had been cited but there was no analogy between those cases and the present. The principle there laid down was that personal property passes under the assignment, wheresoever situated, and it had been contended that this property therefore in Batavia passed to the assignees, and that the creditor or his representatives must either bring it into *hotchpotch*, or relinquish their claim against the general dividends. But the property in the case before the court was not personal property; for a foreign court of competent jurisdiction had decided the contrary. The assignees had there set up their title, which the court abroad refused to acknowledge. Now, it had been laid down by Lord Loughborough that the law of bankruptcy will not interfere with the law of other countries with respect to property situate there. This subject had been well considered in Chief Justice Story's Commentaries on the conflict of Laws. p. 345. It was true that the Bankrupt Law, professed to be founded on justice and equality, and it was equally undeniable that this principle would be so far violated in the present case, that

one creditor would be allowed to receive more than the rest. But this unequal distribution depended on the decision of a court of competent jurisdiction abroad, judging in conformity with the laws which prevailed there, and it was impossible for the Supreme Court of Calcutta to remedy the inequality. The case must be admitted to be one of doubt and difficulty, but the court had come to the conclusion that the complainants had shown no ground for relief. The demurrer therefore must be allowed and the bill dismissed.

*Bill dismissed accordingly.*

The Chief Justice intimated, however, that each party must pay their own costs, because the case was undoubtedly one of sufficient difficulty to justify the complainants in taking the opinion of the court.

*Mr. Prinsep and Mr. Leith* for the complainants.

*The Advocate-General and Mr. Grant* for the demurrer.

**IN THE MATTER OF DAVID FAIRLIE CLARKE AND OTHERS.**

**OUSLEY AND MACNAUGHTEN ASSIGNEES OF FERROUSON AND Co. versus GRIFFIN AND OTHERS, ASSIGNEES.**

The report of the argument in this case may be found in the *Hurkaru* of the 29th January last.

Sir Edward Ryan. This is a petition of appeal from a decision in the Insolvent Court, of our lamented colleague, Sir Benjamin H. Malkin. I should have gone fully into my reasons, if I had seen any ground to differ from the judgment appealed from, but on the fullest consideration of the circumstances, I am clearly of opinion that the learned Judge decided correctly. The circumstance that the house was insolvent at the period when the retiring partner quitted it, is not sufficient, the transaction, it otherwise *bonâ fide*. The whole question turns on the existence or non-existence of fraud; *ex-parte Meake* in the 1st vol. of Maddock's Reports, governs the present case; it was there held that knowledge of the insolvency alone, without other circumstances to evidence fraud, was not sufficient. The decision which I formerly gave in the case arising from the insolvency of Palmer and Co. and the decision of Mr. Justice Grant in the case of Mackintosh and Co. in the Insolvent Court, are both distinguishable from the present. There the transactions were effected by fraud. In the present instance, looking at the whole of the evidence, I am of opinion that the arrangement was fairly and honestly made. The order must be discharged, and with costs.

Sir J. P. Grant.—The present appeal has made it necessary for me to reconsider the decision which I pronounced when sitting alone in the Insolvent Court, in the case relating to Mackintosh and Co. I have not changed the opinion I then formed, and if the circumstances of the present case had been the same, I should have given a similar decision. But all these cases must depend on their own peculiar circumstances; and fraud, which existed in that case and which was expressed to be the ground of that decision, is absent here. There is no reason to doubt that the statement of their accounts as set forth by the partners at the time of the retirement, was not made in good faith. Although there was a deficiency of assets, they might reasonably suppose that this would be subsequently made up. I think the case cited in 1st Maddock is precisely in point; and *Anderson v. Malby* cited for the defendant differs from the present case, because there the circumstances shewed that the partner retired solely from the conviction that the house was insolvent at the time. The appellants

have shewn no ground for disturbing the decision.

*Discharged with costs.*

The *Advocate General* and *Mr. Leith* for the Appellants. *Mr. Clarke* and *Mr. Grant* for the Respondents.

**RAJA BURRODOCAUNT ROY versus JUGOOTHUNDER  
MOOKERJEE AND OTHERS.**

The argument of this case is briefly reported in the *Huraru* of the 31st of January.

*Sir Edward Ryan.*—This is a very singular case, and I do not recollect one similar to it in this court. The original decretal order, which was merely *ad computandum* was obtained in 1835, but the final decree was not until November 1837. Now the present supplemental bill was filed in the *interim*, and prays for an account of the estate, and that an injunction may issue to prevent waste. It is established by *Smith v. Eyles*, 2 Atkyn's Reports, that an interlocutory decree does not take effect, until the final decree has been pronounced. Since, therefore, we cannot look at the final decree, which was of posterior date, it follows that there is no equity to support the complainant's case.

*Sir J. P. Grant* concurred.

*Bill dismissed.*

*Mr. Clark* and *Mr. Lieth* for the complainant.

*Mr. Prinsep* and *Mr. Cochrane* for the defendants.

A rule for a nonsuit will be moved for on Monday in the case of *Walker v. Bruce*, on the liberty reserved.

The Insolvent Court sits this day, (Saturday.) —*Huraru*, March 3.

MONDAY, MARCH 5.

(Before *Sir Edward Ryan* and *Sir J. P. Grant*.)

**DORON THE DEMISE OF JAUN BEEBEE versus ABDOLAH  
BAHBER.**

The *Advocate-General* mentioned this case to the Court in which liberty had been reserved to move to set aside the verdict, upon certain points of Mahomedan law. The learned counsel was not prepared upon the argument, but he mentioned the case, because this was the last of the four initial days of term allowed for the moving of new trials.

The court gave leave to move for a rule on a future day.

**SHEEKISEN SING v. GOVINDCHUNDER BUNDOPADHYA.**

The *Advocate-General* moved for a rule to shew cause why damages to the amount of Rs. 1,365-3 should not be substituted for the verdict of one rupee, nominal damages, entered for the plaintiff. This was a special action brought for the breach of an agreement for the purchase of several maunds of indigo, and it was tried as an undefended cause last term, when nominal damages were given for the plaintiff. The court then said that in estimating damages, the period when the breach occurred, must furnish the standard of computation. Now the agreement was, that the defendant would weigh the indigo within ten days, and pay the full amount, and remove the property; or, if failure took place within that period, that he would pay interest at 9 per cent. It is contended that the breach took place, not at the expiration of the ten days, but at the time of action brought, and it was proved that a re-sale could not have been then effected without great loss. The learned counsel further stated that if account for goods bargained and sold had been added to the special count, the plaintiff would have been

not only entitled to a verdict, but entitled to recover the full purchase-money, and for this position he cited *Dunmore v. Taylor*, Peake 56. Now it was entirely through the operation of the new rules of pleading that the plaintiff had been debarred from inserting such a count in the present instance; it was hoped, therefore, that if the court should be hostile on the first point, leave would be given to the plaintiff to discontinue this action on payment of costs.

*Sir Edward Ryan.*—Take your rule upon both points.

*Rule granted accordingly.*

**J. A. WALKER AND OTHERS v. W. BRUCE AND OTHERS.**

*Mr. Leith* moved for a rule to shew cause why the verdict for the plaintiff in this case should not be set aside, and a nonsuit entered instead. The learned counsel said that the liberty reserved was for a nonsuit, but he should submit that he was entitled to move for a verdict for the defendant.

*Sir Edward Ryan.*—State the points very shortly which you mean to take on argument, because you will be entitled, of course, to a rule *nisi*.

*Mr. Leith.*—The first point relates to matter of form; negligence is the foundation of this action, and yet there is no duty alleged from the breach of which negligence may be inferred. *Max v. Roberts*, 12 East's Reports. Secondly, we shall contend, on the merits of the case, that the action cannot be maintained unless there be fraud on the part of the defendant, and in support of this we shall rely on *Pasley v. Freeman*. 3 Term Reports, *Haycraft v. Creusy*, 2 East. *Ashlin v. White*, Holt's *nisiprius* cases. *Tupp v. Lee*. 3 Bosanquet and Puller. *Scott v. Lara*, Peake. *Ames v. Milward*. 8 Taunton. The third objection which we intend to advance is, that the injury is too remote. *Vicars v. Wilcox*. 3 East. *Ward v. Weeks*. 7 Bingham. And, lastly, we shall rely on the laches and negligence of the plaintiff himself, by which he would be barred from recovering even if this action were maintainable on principle. *Butterfield v. Forrester*. 11 East. *Vernon v. Keyis*. 4 Taunton.

*Sir Edward Ryan.*—Your rule must be for a nonsuit, and not that a verdict may be entered for the defendant,

*Rule granted.*

**SIREMUTTY NISBUNMONEY DABEY versus SHAMYLOLL  
TAGORE AND HURRELOLL TAGORE.**

*Mr. Leith* made an application to the court on behalf of the defendant Hurrelloil, to strike out certain words in a decretal order drawn up in this case. A motion had been formerly made by *Mr. Prinsep*, to let in two creditors to prove against the testator's estate before the Master (see the report in the *Huraru* of February 15th) and this was granted conditionally by the court, the terms being subsequently accepted by the counsel for the creditors. *Mr. Leith* stated, that he had then, as counsel for Hurrelloil, consented to the motion upon a common consent paper put into his hands that morning in court, but affidavits were now put in, to the effect that the terms of the order varied from the original motion, and that this alteration was made without any communication with the party, his counsel, or attorney; it was, therefore, complained that the consent of the party had been entered upon an order to which he never intended to consent at all.

*Sir E. Ryan.*—If a consent paper is put into counsel's hands, and the motion afterwards takes a different turn, the counsel ought either to exercise his own discretion, or consult with his client, before he consents.

*Mr. Leith* then offered to pay all the costs, upon being allowed to withdraw the consent, which would put the parties in *statu quo*.

*Sir E. Ryan.*—It seems that the attornies here, (Messrs. Hodger and Smalley) are in partnership. There is only an affidavit of Mr. Smalley that he was ignorant of the change in the terms of the motion. Why is there not an affidavit by Mr. Hodger?

*Mr. Leith* stated that that gentleman had been absent at Burdwan, and was present only upon one of the days when the application was before the court.

*Sir Edward Ryan.*—There must be an affidavit by Mr. Hodger of all the facts, and the matter must stand over in the meantime. Notice to one of the firm would be equivalent to notice to all. But if the consent was really given improperly, it is clear that the court has not the power of imposing terms concluding this party behind his back: he ought to have an opportunity of shewing cause against the order itself.

*Ordered to stand over.*

**BISSUN SOONDUNNEY DABEY *versus* RAJAH BURRODICAUNT ROY.**

The *Advocate-General* moved for an injunction to stay the proceedings in this suit. An application had been made to the late Mr. Justice Malkin, to alter certain sums incorrectly set forth in the final report of the Master, which was refused as an irregular proceeding. The present motion was made on a bill of review brought to rectify the error in the final decree made in the cause.

*Mr. Clarke* took a preliminary objection to the application. This is the state of the case. We have got a decree for thirty-eight lacs of rupees; the opposite party wish to alter this sum by the subtraction of three lacs, and in the meanwhile to stay our execution. By their own shewing, therefore, we are entitled to five and thirty lacs, and yet no money is brought into court.

The court said, that this objection could not be got over.

*Mr. Clarke* stated, that he was willing to make an offer. If the other side paid in the thirty-five lacs his clients would be very happy on their part to remit the disputed three lacs without further opposition!

*Motion refused.*

**JOYGOPAL BYSACK *v.* SREEMUTTY NUBBUNGO DOSSEE.**

This was a demurrer to a bill in equity. The question raised was, whether a certain legacy given by the testator to his two daughters was a contingent bequest, or vested and absolute.

*Mr. Clarke* and *Mr. Grant* for the heir.

*Mr. Prinsep* and *Mr. Leith* in support of the demurrer for the legatees.

*Mr. Clark.*—There are four distinct legacies in the will, the first is the bequest of all of the testator's property to his son—the second, which is admitted to be contingent, is the bequest of Rs. 30,000 to his widow, receivable in the event of the son dying under age. The third is the disputed legacy of Rs. 20,000 to each of his daughters, with an additional sum of Rs. 10,000 to be shared between them for the purchase of a house; and lastly, the residuary clause in favour of his brother, the executor. Of these the first is simple and distinct, and the second is compatible with it, because the latter is contingent on the failure of the former; we contend, that unless the third is construed to be contingent also, the whole will is utterly inconsistent and unintelligible. It is true that there are no words in the second member of the clause of bequest to the widow and daughters repeating the contingent event, but from all the circumstances it is clear that the contingency expressed in the first member is intended to govern the

bequest contained in the second. It is observable that here was a mistake in the original translation of the will in respect of the Bengally word “*an*.” This word commences the second member of the sentence, and is explained to mean, “*and*,” “*other*,” “*further*,” or “*moreover*.” Now whichever of these expressions be used in the interpretation, the inference is obvious that the two members of the sentence are intended to be connected together, and to be governed by the selfsame contingency. But, farther, if the construction contended for by the other side were to prevail, it must also extend by parity of reasoning to the fourth bequest, so that the whole property would be devised away absolutely to the executor, and the son (to whom the will sets out by giving all) would be entitled, upon coming of age, to nothing more than the lapsed legacy to the widow. This would be absurd. The object of the testator is evident:—he wished to give all to the son, if he survived his minority, as the head of the joint and undivided Hindoo family. If the son lived, he was expected to take care of his mother and sisters, and if he died, the will was to provide for them. In the construction of wills there are four general rules applicable to the present case, and which the court ought to consider in pronouncing their decision. 1st, That where there is both a particular intent and a general one, the former must be sacrificed to the latter. *Robinson v. Robinson*, 1 Burrow. *Doe v. Harvey*, 6. B. and C. 2dly, The construction of the will is to be made on the entire instrument, and each part is to be considered with reference to the others. 3dly, Where expressions inconsistent are used in a will, it is not necessarily to be inferred that the first is to be overthrown. *Jesson v. Wright*, 2 Bligh. Lastly, that an express disposition cannot be avoided by mere inference and argument drawn from other parts of the will. *Laurence v. Laurence*, 1 Vesey Junior.

*Mr. Grant* followed on the same side, and dwelt chiefly on the grammatical necessity for considering this legacy a contingent bequest, as an authority for which he cited “*Horne Tooke on conjunctions*!”

*Mr. Prinsep* and *Mr. Leith* contra. The view taken by the learned counsel is more acute than just. The new reading which is so much relied on, appears more favourable to our construction. All the general principles laid down with respect to the interpretation of wills are freely granted in the abstract, but their applicability is denied. One, indeed, is a strong argument in our favour, viz. that an express disposition cannot be varied by reference to other parts of the will. Now, here is an express and absolute disposition on the face of it, in favour of the daughters, and it is sought to qualify this by reference to the former clause. *Wright v. Compton*, 9 East. There is nothing in the argument that our construction, if allowed at all, must be extended to the bequest to the executor. That bequest is residuary, that is, a bequest, intended to take effect, according to the essence of residuary clauses in general, after the payment of all legacies previously specified whether vested or contingent. The intention of the testator clearly was to give this legacy to his daughters absolutely: for he speaks of their being given in marriage, and these sums were intended for a marriage portion.

*Mr. Clarke* replied.

*Sir Edward Ryan.*—I have no doubt in my mind upon this case. The court is of opinion that the testator's intention is clear to give these specific sums to his daughters *contingently*, only upon the decease of the son under age. Upon any other construction the will is unintelligible.

*Demurrer overruled—but without costs.*

[Hurd, March 6.

TUESDAY, MARCH 6.

(Before Sir Edward Ryan and Sir J. P. Grant.)

BARCLAY *versus* MORTIMER.

The *Advocate-General* moved for a rule to shew cause why the judgment by default against the defendant in this action should not be set aside. Affidavits were put in, certifying that there was a good defence on the merits, and stating that a negotiation between the parties had been pending for some time previously to the signing of the judgment, the whole matter being intended to be referred to arbitration, and finally settled out of court.

Sir E. Ryan on looking over the affidavits, said, that they were insufficient, because they only stated the expectation of the defendant, and did not shew any positive duty on the part of the plaintiff to delay entering up judgment after the usual time.

BHOWANNY PERSAUD EXECUTOR OF KHOONDOOROLOLL V. GOPAULLOLL AND OTHERS.

This equity suit came on for hearing on evidence. The bill prayed for a decree establishing the will of the testator. Khoondoorololl, and declaring the rights of the parties; also for an account of all the estate of the said testator, which had come into the hands of the defendants, or any of them, and for an injunction against wasting the same, and for the appointment of a receiver.

The bill and the answer of Gopaullohl having been opened by Messrs. Sandes and Grant, the *Advocate-General* rose and stated to the court, that the parties were willing to effect an amicable arrangement, which would render the further hearing unnecessary. It was hoped, therefore, that the prayer of the bill would be granted, and the rights of the parties decreed.

The court said, that an account might be decreed, but that it was impossible to decree the rights of the parties, until some evidence was given concerning those rights.

All the necessary parts of the evidence were then put in and read, and the court accordingly directed a decree for an account, and declared the rights and shares to which the parties were severally entitled under the will of the testator Khoondoorololl.

The *Advocate-General* and Mr. Sandes were for the complainant.

Mr. Prinsep and Mr. Grant alone for one of the defendants, Gopaullohl.

Mr. Leith alone for one of the defendants, the widow, of the testator.

Mr. Cochrane alone for the other defendants.—*Hurk. March 7.*

WEDNESDAY, MARCH 7.

Sir Edward Ryan sat alone this-day to take common motions.

SREEMUTTY SIBBOOSONDERY DOSSEE V. KISTNONUNDO BISWAS.

Stands for hearing on the equity board for to-morrow, Thursday. This day there are no causes yet set down on the plea side.—*Hurk. Mar. 8.*

THURSDAY, MARCH 8.

DOE ON THE DEMISE OF JAUM BEEREE AND OTHERS V. ABDOLLAH BARGER.

The *Advocate-General* moved for a rule to shew cause why the verdict for the defendant should not be set aside, and a verdict entered either for the whole, or

*pro tanto*, for the lessors of the plaintiff. This ejectment case was tried last sittings, and a verdict being found for the defendant, leave was reserved to the plaintiff to move upon certain points of Mahommedan law. The learned counsel shortly stated the points which he intended to take on argument. First, that the instrument under which the defendant claimed was nothing more than a writing declaring the proprietorship of the party executing it, and that it was therefore inoperative altogether. Secondly, that a legacy cannot be left to one heir without the consent of the co-heir. (McNaghten's Mahommedan law, pp. 53, 124.) And lastly, that the instrument in question, if it was operative at all, operated as a will, because all charitable gifts are taken to be legacies, and follow the same rules of construction. (D'Huson's *Tableaux de l'Empire Ottoman*), and that therefore according to the rules of Mussulman law the testator could not by will legally alienate more than one-third of his whole estate. (Sir William Jones, on the law of inheritance, p. 517.)

Rule granted.

SREEMUTTY NISBUNMONEY DABRY V. SHAMYLOLL AND HURRYLOLL TAGORE.

Mr. Leith renewed the application to the court, which stood over from Monday, in order to allow time for an affidavit to be put in by Mr. Hedger, the other partner in the firm of Messrs. Hedger and Smalley, attorneys for the defendant Hurrylohl. The matter, it may be recollected, had reference to a consent alleged to have been obtained through mistake to an order of the court.

Mr. Clarke submitted that there ought also to be an affidavit by the defendant Hurrylohl himself. Mr. Hedger had sworn positively that he himself was not in court at the time when the order was made, but he could only swear to his belief that the defendant Hurrylohl was not present on the occasion.

The court said, that the affidavit of Hurrylohl was indispensable.

Motion stood over.

SREEMUTTY SIBBOOSONDERY DOSSEE V. GOVINCHUNDER BISWAS.

This cause came on for hearing on further directions, and was referred to the Master by consent.

The *Advocate-General* and Mr. Osborns for the complainant.

Mr. Prinsep, Mr. Clarke, and Mr. Nott for the defendants.—*Hurk. March, 9.*

SATURDAY, MARCH 10.

(Before Sir Edward Ryan.)

IN THE MATTER OF W. P. BIRD, DECEASED.

Mr. Leith moved that citations do issue, upon an exemplification under seal out of the Ecclesiastical Court at Madras. There were affidavits verifying and authenticating the seal of the court.

The Chief Justice said, that the affidavits were not necessary. Although a doubt was expressed some days since whether the seal of a court in Ireland did not require authentication here, this is not necessary in respect of the Madras court, the seal of which proves itself.

Motion granted.

[*Hurk., March 12.*



MONDAY, MARCH 12.

(Before Sir Edward Ryan, and Sir J. P. Grant.)

WALKER v. BRUCE.

The court was occupied from eleven o'clock until half past four, in hearing the argument in this case, the facts of which are well known.

The *Advocate General*, Mr. Prinsep and Mr. Clarke for the plaintiffs, shewed cause against the rule nisi obtained by Mr. Lieth for entering a nonsuit.

The learned counsel first directed attention to the question of evidence, and contended that there was sufficient proof that the defendants were aware of the fact that the goods were not on board at the time of granting the policies, and that they had no right, therefore, to grant the policies under those circumstances, or at least to certify that the goods were actually laden. The case was like giving a receipt or acknowledgment for money, when no money was received. It was not intended to advance any argument inconsistent with the finding of the court as a jury, but although they had negatived moral fraud, it was still open to shew that there had been fraud in law. *Crassa negligentia æquiparatur dolo*. The learned counsel were proceeding to shew that the act of Jones, the agent, must be taken in every respect to be the act of the defendants, his principals. But the court said, it was quite unnecessary to cite cases upon this point, because nothing could be more clear than that a principal was civilly responsible for all the acts of his agent done within the scope of his business and employment.

The learned counsel then considered the cases which had been cited when this rule nisi was obtained, and they expressed their surprise that *Pasly v. Freeman*, *Haycraft v. Creasey*, *Tapp v. Lee*, and others of a similar tendency should have been adduced in support of the defence, when the principle on which they proceeded was in favour of the plaintiff. The case of *Foster v. Charles*, 6 Bingham's Reports, and *Corbett v. Brown*, 7 Bingham, sufficiently established the distinction between moral fraud or fraud in fact and constructive fraud or fraud in law. These cases lay down the position that the motive is immaterial altogether, that it is not necessary for the party to have collected with any other, or to have derived personal benefit from the false representation, and that it is simply sufficient to support the action, wherever a false representation has been actually made, provided that it was known at the time to be untrue by the party making such representation. Nay, further, that it was not absolutely necessary the party should know it to be false, it was enough if he did not know it to be true, and injury subsequently accrued therefrom. But the case upon which they principally relied was *Polhill v. Walter*, 3 Burnswell, and Adolphus's Reports, (K. B.) 114. There the defendant had accepted a bill of exchange per procuration, and an indorsee, on the faith of such implied guaranty having sued the supposing acceptor, and having been non-suited for want of proof of authority to accept, brought the action against the defendant for falsely and deceitfully representing that he was authorized to accept by procuration; and the action was held sustainable notwithstanding that the jury had negatived all fraud in fact.

Mr. Lieth and Mr. Grant, contra, in support of the rule, contended that none of the cases cited in the least degree touched the main objections urged against the present action. It had been asked why the cases on the question of fraud had been adduced in support of the defence, the reason was that that entire series of cases established that fraud was the essence of the action.

The court here intimated an opinion that they

considered (the case of *Polhill v. Walter*) as bearing the most strongly against the defendants.

The learned counsel submitted that the case was clearly distinguishable. Bills of exchange and promissory notes stand upon their own peculiar footing, and are liable to rules of construction not applicable to other transactions. The defendant, by accepting the bill by procuration made himself a party to it, and this alone removed the main objection which exists, in the case before the court. Every subsequent indorsee, acquired a right of action against the defendant, because all subsequent parties to a bill are by a retrospective operation referred back to the date of the creation of the instrument, so that there was a privity between them and the defendant, just as much as if he had contracted with each specifically and by name. No case had yet been cited in which either of these two objections had been got over, first, that the communication was not made directly to the plaintiff, and secondly, that there was no sort of intention at the time of performing the act in question, and no probability that the defendants could perceive, of causing injury to the plaintiff in particular, or indeed to any party at all. It was an act in which no one but the defendants and the party insured were in the least degree concerned, and it was the plaintiff's own gratuitous act to step in and act upon the faith of matters which had no reference to him whatever. The doctrine would be most mischievous in its consequences. In effect it would compel an Insurance Office to take upon themselves not only the duty of insuring the safe arrival of goods, which was their appropriate business, but also the burthen of guaranteeing the due shipping of those goods for the protection of consignees of whom they know nothing.

Other arguments were urged by the learned counsel for the defendants, but not dwelt upon at so much length. It was contended that here the plaintiffs' own negligence had barred them from recovering. Even between party and party (where the objection of want of privity did not exist), a plaintiff could not recover, unless he took sufficient precaution to protect his own interests, and surely the present plaintiffs exercised very little caution, indeed in relying so implicitly upon the faith of an act done by third persons, with whom they had no connexion, and who were not in the least degree called upon to protect their interests. Again, the injury is too remote and consequential. Authorities abundantly shew that the injury complained of must result as a direct and natural consequence from the alleged wrongful act, and surely it was not a very direct or probable consequence from the granting of a policy of insurance, expressing that the goods were shipped on board, that strangers would be forthwith induced to advance money on what turned out to be fictitious consignment. The learned counsel also said, that they by no means conceded the point that the defendants knew at the time of granting the policies that no goods were shipped. The defendants were in fact themselves the dupes, equally with the plaintiffs; the real tortfeasor had escaped, and now one of his dupes sought to make good his losses by claiming compensation from the other.

The court, after a short consultation, said that they should deliver judgment in a day or two.—*Hurkaru*, March 13.

TUESDAY, MARCH 13.

(Before Sir Edward Ryan and Sir J. P. Grant.)

CHARLES MORELL v. HENRY T. SHELTON.

Mr. Marnell opened the pleadings. This was an action of assumpsit on two bills of exchange. The first was for £68 10s, drawn in 1834, by one John Lewis, at Swan River, upon the Lords of Her Majesty's treasury,

at 30 days' sight. The other was a similar bill for £285. The present plaintiff was the last indorsee and holder, and the defendant was one of seven prior indorsers. To these counts were added the common money counts. Defendant pleaded want of due notice, the dishonoured bills not having been presented for payment to the indorser until December 1837.

*The Advocate General* stated the case for the plaintiff. He presumed that the plea dispensed with all necessity for proving the making the indorsements, the dishonour and protest; he should, therefore, confine himself to a statement of the facts relating to the alleged want of notice, and shew that the notice, though apparently late, was given within a reasonable time. The plaintiff was a merchant then resident at Calcutta; and, having consigned certain goods to the Mauritius, received the present bills, amongst others in payment, and shortly afterwards transmitted them to England for realization. The bills were duly accepted by the Treasury; but, on being presented for payment, were refused, and, in due course, protested. The reason why the Treasury refused to pay these bills was, that the prior indorser had made the instruments payable to the order of *Henry Sheldon*, while the defendant (who was the party intended by that indorsement) indorsed them over, under the signature of *Henry T. Sheldon*. The non-payment, therefore, arose from an irregularity, and that caused by the defendant's act. It was an exceedingly hard case for the plaintiff, and Mr. Sheldon might, at any time, if he chose, cause the bills to be altered and the mistake to be rectified, without prejudice. The delay in giving due notice of dishonour was thus explained:—Mr. Morell had left India for Europe before the dishonoured bills were returned to this country, nor was he aware of the fact until Messrs. Coutts and Co., the London Agents, apprized him of it by letter while he was sojourning to Paris, whereupon he immediately took active steps and wrote on the subject to India. In the meantime the protested bills had been received in Calcutta by Messrs. Cantor and Co., who were not acting as agents, but as personal friends, of Mr. Morell, and these gentlemen not knowing anything about the defendant, (who was a wanderer upon the face of the earth!) waited until they received directions from Mr. Morell himself. Mr. Morell's letter reached them in June 1837, and they immediately wrote to the Mauritius concerning the whereabouts of the defendant, but were unable to meet with him until December 1837. The defendant then, on being applied to for payment, positively refused. The learned counsel contended, that under these circumstances, although certainly a long period had intervened, the notice of dishonour was, in fact, given to the defendant within a reasonable time, and as soon as the state of things would admit, and he cited *Bayley on Bills* to shew that the reasonableness of the time must always be judged of by the particular circumstances of the case.

It appeared in evidence from the cross-examination of Mr. Cantor himself, that Morell had appointed the firm to act during his absence from India by a general power of attorney, but the power had never been acted upon at all, and had since been returned at the request of Morell. The defendant was proved to have been in Calcutta about December 1836, but he received no notice until a year afterwards. In December 1837, when applied to for payment, he objected to the want of notice of dishonour, and refused; but he called several times at Messrs. Cantor's office, and was apparently anxious to compromise the matter, offering to get the bill negotiated for the plaintiffs and proposing to alter his signature in the indorsement. The dishonoured bills were received in Calcutta in June 1836. Mr. Cantor said that the reason why he had not sent the dishonoured bills to the Mauritius or Australia in search of the defendant or some of the prior parties was, that the sets were incomplete.

The plaintiffs case having closed.

*Mr. Prinsep* was proceeding to address the court, but was stopped by their Lordships.

*Sir Edward Ryan*.—We do not think it necessary to call upon the defendant's counsel, because the want of sufficient notice bars this action. These bills were returned, dishonoured and protested, to Messrs. Cantor and Co. in June 1836, now they held a general power of attorney, sufficient to authorize them to take the necessary steps and to act as the plaintiff's agents. But what do they do? they make no enquiries and take no steps whatever until the June of the following year. If they had made enquiries they would, in all probability, have found the defendant, who is proved to have been in Calcutta at an intervening date, namely in December 1836. When the address of a party is not known, it is sufficient to use a due degree of diligence in inquiring for it, and to give the notice when he is discovered; but we are of opinion in this instance due diligence was not used.

*Verdict for the defendant.*

*The Advocate General* and *Mr. Marnell* for the plaintiff.

*Mr. Prinsep* and *Mr. Cochrane* for the defendant.—*Hulk*, March 14.

THURSDAY, MARCH 15.

(Before *Sir Edward Ryan* and *Sir J. P. Grant*.)

*The Advocate General* moved to make a rule nisi absolute.

*Mr. Clarke* said that it was usual for common motions to be taken before those likely to occupy a considerable time.

*Sir E. Ryan* said that this was generally a matter of discretion, and that counsel were not bound to postpone their motion, and he enquired what the rule in question was for.

*The Advocate General* replied that it was for a new trial.

*Sir E. Ryan* then said that all motions, of course, must be taken before motions for a new trial.

DOR ON THE DEMISE OF JAUN BEEBER, versus ABDULLAH BARBER.

*Mr. Clarke* and *Mr. Leith* shewed cause in this case against the rule which had been obtained on the points of Mahommedan law. They admitted all the law and authorities cited and relied on by the opposite side, but contended that they were not applicable. This is not a bequest in *extremis*, for the instrument was executed two years before the death of the party, and the terms are very different from a will or last testament. This instrument is a *wuqf*, or donation for charitable purposes, and such endowments, according to the 2d vol. of the *Hindaya* (Hamilton's Translation, p. 334) follow different rules of construction, and the restriction requiring the consent of coheirs to the alienation of a larger proportion than one-third does not apply. The donor had appointed herself matwaltee or trustee during her lifetime, and had named others to act after her death. Such an appropriation of the property destroyed its heritable qualities, and as long as the trusts were performed, the trustees could not be removed. The learned counsel referred to a French work, quoted by the *Advocate General* when moving for the rule, *D'Hasson's Tableau de l'Empire Ottoman*, which they said was a sealed book to them, and the authority of which they considered dubious.

*The Advocate General*, in support of the rule, contended, that this instrument was to all intents and purposes a donation in contemplation of death, and it was utterly immaterial how long before the decease of the party it was executed. It was contended that this was an

endowment for charitable or pious purposes, but endowments were appropriation to the service of God, where all temporal uses were renounced by the donor. Such was not the case here. But, even admitting that it was an endowment, how had it been shown that a different rule of construction ought to prevail as to the period of talking effect. The general principle had been admitted, that according to Mahomedan law, a gift *in prospectu* cannot be valid: the owner must divest himself of the property at the time. Now here the property was not immediately aliened—the proprietorship was retained, for the owner might have disposed of it at any subsequent period. The treatise of M. D'Husson had been sneeringly referred to on the other side, because the *dictum* was in point against them. It must be admitted, indeed, to be nothing more than the opinion of a learned and able man, reasoning from what he had seen or heard. But what more was Mr. Hamilton's opinion, or Sir F. Macnaghten's? they were opinions certainly entitled to considerable weight. Nay, what was the Hadaya itself? Undoubtedly a book of authority, when the meaning could be discovered, but the writers of that work appeared to resemble the ancient scholiast, who used to boast that they could maintain any question equally well on either side.

The Court at the conclusion of the argument said, that they should consider the case, and deliver judgment on a future day. In the course of the argument Sir E. Ryan intimated that in motions for new trials, or to set aside verdicts, notice ought always to be given to the clerk of the papers, by the party intending to make the motion, in order that the exhibits produced in evidence at the trial, might be brought into court.

#### NIBBUNMONEY DABEY v. SHAMYLOLL TAGORE AND HURRYLOLL TAGORE.

Mr. Leith and Mr. Grant renewed the application previously made to the court, that the order, in which the consent of the defendant Hurryloll, had been inserted through mistake, might be altered. The necessary affidavits both of the attorney and of Hurryloll were now put in, deposing that neither the party nor his attorney were in court at the time that the alteration was made in the terms of the order.

Mr. Prinsep, on behalf of the creditors, strenuously contended that the consent ought not to be withdrawn. It was either a lapse of counsel, or a dereliction of duty in the attorney, and the client was bound. If a consent paper is put in, it is the duty of the counsel or the attorney to exercise their discretion, whether under an altered state of circumstances the consent ought to be withheld or not. It is too late to object afterwards, and the retraction involves an innocent party in great hardship and expense, at all events the party in making the present application ought to pay not only the full costs of the application itself, but all the costs of the reference which had been going on in the interim in the master's office.

The Advocate-General also opposed the application, appearing on behalf of Shamyloff the co-defendant, but he did not speak of costs, as his client could not be liable.

Mr. Clarke, as counsel for the complaint in the suit, said that it was matter of indifference to him whether the disputed consent was given or withdrawn; but he had found it necessary to watch the proceedings in order that the disputes of the other parties might not have the effect of delaying his client in obtaining the benefit of his decree. It was for this reason that he had considered it to be his duty to urge upon the court that the reference ought not to be suspended in the Master's office during the continuance of these proceedings.

Mr. Leith replied generally.

Sir E. Ryan said, that the court were satisfied that neither Hurryloll nor his attorneys were in fact consenting parties to this order. A common consent paper was put into counsel's hands, and it seems the practice is for the *opposite attorney* to give the instructions upon an understanding between the attorneys themselves, although nominally the counsel are instructed by the attorney of their own client. Now the court was of opinion that it is the duty of counsel when handing in a consent paper to be so far acquainted with the circumstances of the case as to be able to exercise his discretion in the event of matters taking an unforeseen turn, and any alteration being suggested in the terms of the order. Yet under the circumstances, especially as their Lordships were satisfied that the attorney for the creditors must have been aware that no consent would ever have been given voluntarily to the altered terms, they could not hold this party bound by an order to which he never in fact consented. As to the costs of the present application, they must be paid by the respective attorneys of the defendant Hurryloll and of the two creditors. The costs of the proceedings in the Master's office to remain as before, and unaffected by this application.

Motion granted for the withdrawal of the consent.

The cases of *Rodriguez v. Syed Buksh*, and *Bebee Hoorun v. Shaik Khayroolla* stand on the Common Law Board for to-morrow, Friday (this day.) *Herk.*, March 16.

FRIDAY, MARCH 16.

(Before Sir Edward Ryan and Sir J. P. Grant.)

#### MARCELLINO RODRIGUEZ v. SYED RUKAN.

The Advocate-General and Mr. Tandas appeared for the plaintiff, no counsel were instructed on behalf of the defendant, who had let judgment go by default.

This was a writ of inquiry to assess damages, the action being in *assumpsit* for rupees 656, with interest at 12 per cent., lent by the plaintiff to the defendant. A written instrument was put in, and the signature duly proved. The case did not fall within 21 of the new rules of pleading which directs that in certain actions brought for re-payment of money only, the prothonotary shall compute principal and interest.

The Court assessed the damages at the full amount claimed.

#### BEEBEE HOORUN v. SHAIK KHYROOLLAH.

Mr. Prinsep and Mr. Leith were for the plaintiff—no counsel appeared for the defendant, who had allowed judgment to pass by default, and against whom the damages were now assessed.

The action was *assumpsit*, on a special agreement, instituted by a wife against her husband. This agreement was a formal post-nuptial settlement, by which the husband undertook to pay a marriage-portion of Rs. 4,000, one moiety immediately, and the other during wedlock; and, further, to find food and raiment for his wife, and not to marry a second wife without her consent and approbation. The breaches were, 1st, the non-payment of the stipulated marriage portion; 2dly, default in providing for and maintaining the wife; 3dly, marrying a second wife without the consent of the plaintiff; and lastly, marrying a third wife.

The Court at first questioned whether an agreement not to marry a plurality of wives (that privilege being recognized by Mahomedan law) was not illegal, as being against public policy, and in restraint of marriage in general; but its legality was afterwards admitted.

The deed of marriage settlement was put in and proved by the attesting witness and by the Mullah, who explained contents.

The half-brother of the plaintiff was called to prove the circumstances. By his evidence it appeared, that the wife (the present plaintiff) had been sent on a visit to her father, and the defendant, in the meantime availed himself of the opportunity to take unto himself another bride. His first wife returned once to the house; but, having quarrelled with her husband for his conjugal infidelity, was promptly turned out, and never took up her abode with him again. She had been living ever since with her mother, and her personal expenditure might amount to about eight rupees per month, besides four rupees for a servant, and the expenses of a child which she had bought!

*Sir Edward Ryan.*—The court is of opinion, that the plaintiff is entitled to Rs. 2,000, being that half of the dower payable immediately; but the other moiety cannot be said to have yet fallen due, because no particular time having been specified, the husband must be allowed the whole period of wedlock for the payment. We also think that the wife is entitled to Rs. 10 per month for maintenance. As to the third and fourth breaches, we cannot consider the non-fulfilment of an engagement against marrying a plurality of wives, a subject matter for damages, unless you can give positive proof what damages have been sustained.

*Mr. Prinsep* suggested, that as it was a valid breach, nominal damages, at all events, ought to be entered, *pro forma*.

The Court acquiesced.

Verdict for the plaintiff accordingly.

[Hukaru, March 17.]

MONDAY, MARCH 19.

(Before Sir Edward Ryan, and Sir John P. Grant.)

AMELIA DENT *versus* DE SOUZA AND OTHERS.

The *Advocate-General* moved that it be referred to the Master to inquire and report what sum may be requisite to be set apart out of the estate for the purchase of a commission in the army and outfit expenses of an infant ward. The learned counsel said, that he moved upon notice, and as there was no doubt that the infant was entitled to the property, he apprehended that there would be no opposition made.

Motion Granted.

SREEKISSEN SING *versus* GOVINDCHUNDER BUNDOPADHYA.

The *Advocate-General* on a former day had obtained a rule *nisi* to set aside the nominal verdict given at the trial of this case, and to enter a verdict for Rs. 33,653, instead. The action was for not accepting, and paying for 155 maunds of indigo agreed to be purchased at Sa. Rs. 248 per maund. The agreement was entered into on the 16th July, 1837, and the defendants undertook to weigh the indigo within ten days, to remove it from the premises of the plaintiffs, and to pay the full amount of the purchase-money, or on default to payment interest on the whole at the rate of 9 per cent. This the defendant failed to do, and, in September, they endeavoured to compromise the matter, and to obtain a remission of the price, as the value of indigo was likely to be considerably deteriorated. From the evidence adduced at the trial, it appeared, that indigo began to fall in the month of September, and that the greatest depreciation occurred in the following month, and that no sales in fact took place between July and December.

*Mr. Clarke* shewed cause. The plaintiffs are only entitled to a nominal verdict, because in this form of action they are bound to shew what precise amount of damages they sustained by the breach of contract. Now as the value of indigo did not fall in the market until

September, and the contract was broken in July, the plaintiffs might have sold immediately and obtained the full price agreed for. They have sustained no loss, therefore, which the court can recognize, because they might themselves have prevented it. It may be argued on the other side, that the time for the performance of the contract was not terminated at the expiration of the period of ten days, and that, therefore, the plaintiffs would not then have been at liberty to re-sell the indigo. But it is clear, from the terms of the agreement, that ten days were limited absolutely, and that, at the close of that time, the plaintiffs might have either re-sold the property, or brought an action immediately for the stipulated price.

The *Advocate-General* in support of the rules. They first contended that, admitting there was no loss from the deterioration of the value of indigo in the market up to September, they were entitled to some addition to the verdict for nominal damages, on the ground that interest on the money was due from the time of weighing.

*Sir Edward Ryan* said, that there was considerable doubt whether the interest ran from the time of weighing, or from the expiration of ten days.

The *Advocate-General* said that, if that was the case, there would be no possible object in weighing the goods, and no advantage gained by either party.

*Sir E. Ryan.*—Yes, there would. As soon as the goods were weighed an action might have been brought for their value immediately, as the property would be changed by the act, and the goods would thenceforth remain at the risk of the purchaser.

The *Advocate-General* then urged his main ground of argument, *viz.*, that this was a *continuing* contract, and that the time of performance was not limited to the ten days, because the payment of interest was the penalty to which the defendants were to submit for the privilege of enlarging the time. The defendants treated it as an open contract by the negotiation which they kept on foot, and their application in September to have the price remitted. Again, it appears from the evidence that there were no sales of indigo between the months of July and December; this is a sufficient explanation of the alleged circumstance that the value was not depreciated for a long period. The price could not be said to have either risen or fallen, because, in fact, no sale could have been effected at all.

*Mr. Prinsep* followed on the same side.

*Sir Edward Ryan.*—There is no doubt whatever of the justice of this case; nevertheless, we are of opinion, that the form of action ought in strictness to have been for goods, bargained and sold. The plaintiffs would then have been entitled to recover the full contract price, and they might have maintained that action in July, as soon as the limited period of ten days had expired. In the present form they are tied down to proving the precise amount of damages which they sustained by the defendants' nonfulfilment, and it is clear, that if the market-price was not lower than the contract-price at the time when the contract ought to have been performed, the plaintiffs actually suffered no loss, and are entitled only to nominal damages. However, we think the verdict ought to be increased on a different ground. According to the evidence, although the price was sustained for a long time, no sales were effected at all until after the fall had taken place. For this reason we shall allow the plaintiffs damages at the rate of Sa. Rs. 20 per maund, but we cannot give them the costs of the present application.

The counsel for the plaintiffs urged another application to the court, in the event of the first being refused, *viz.*, that the plaintiff, might be allowed to discontinue and commence *de novo*. This point, however, becoming unnecessary, was of course abandoned, and the court

intimated that there was no authority in the books of practice for allowing a discontinuance of the action, after a general verdict.

*Rule absolute* for increasing the damages at the rate of *Sa. Rs.* 20 per maand.

**SUMBOOCHUNDUR MOOKERJEE AND OTHERS versus NUBBOO-CHUNDER CHATTERJEE AND OTHERS.**

Mr. Clarke (with whom was Mr. Barwell, for the plaintiffs) shewed cause against a rule obtained by Mr. Prinsep, for setting aside proceedings for irregularity. The plaintiffs had obtained a judgment in the original action, and several of the parties, plaintiff and defendants, having since died off, writs of *scire facias*, and *alibi scire facias* were successively issued at different periods to revive the judgment. The revived proceedings were against the representatives of all the defendants, and the rule *nisi* was obtained on the ground that the judgment ought to have been revived against the representatives of the survivor only. Now there is no authority to be found in the books precisely in point, but it is contended that, as the rule of English law allows execution under a *scire facias* against the personal and real representatives of the survivor, and against the real representatives of the deceased, in this country where there is no distinction between real and personal representatives, the judgment ought to be revived indiscriminately against the general representatives both of the survivor and the deceased.

The Court inquired whether counsel recollected the decision given upon this point, or an analogous point, in the *Tugore's case* in March 1835.

Mr. Prinsep as counsel for the defendants, and Mr. Grant as *Amicus Curie*, mentioned that, in the case in question, the court held, after long deliberation, that the *scire facias* ought to be against the representatives of the survivor only.

Mr. Clarke said, that if that were really the case, he should not take up the time of the court by pressing the argument further, but he apprehended the decision would be found to be not quite in point.

The Court, after some further discussion, ordered the matter to stand over, for the purpose of ascertaining the former decision.

*Stood over.*

**PARKER versus HILLS.**

The Advocate-General moved, upon the usual twenty-four hours' notice, for eight days further time to plead. The defendant was up the country, and a consultation was necessary between the attorney and his client before a plea could be filed.

*Rule nisi granted.*

**RAMNARAIN MOOKERJEE versus ANNA MARIA GONSALVES.**

The Advocate-General for a rule to shew cause why the judgment should not be set aside on the ground of gross fraud. From the facts sworn to in the affidavit, it appeared that Mrs. Gonsalves had been induced to sign certain papers, in the belief that they were securities to herself for certain sums of money which she had lent at different times; but the papers so signed turned out to be a deed of mortgage of a house and premises, and a bond for *Rs.* 40,000, with a warrant of attorney to enter up judgment thereon. The judgment had been entered up on this same warrant of attorney.

The learned counsel also applied to the court for a special order that service of the rule *nisi* on the attorney of the plaintiffs might be deemed good service; but he shewed no grounds.

Sir Edward Ryan. You may take your rule *nisi*;

but we cannot make a special order relating to the service, unless the parties have absconded, or some other special reason be shewn.

*Rule nisi granted.*—HURK., March 20.

THURSDAY, MARCH 22.

(Before Sir E. Ryan, and Sir J. P. Grant.)

**WALKER v. BRUCE.**

The court this morning delivered judgment in this case.

Sir Edward Ryan.—This was an action on the case for an injury alleged to have been sustained by the plaintiffs, by means of a false and fraudulent representation on the part of the defendants. It will be necessary for me to state the facts at some length, as several questions were raised during the argument, concerning the facts which really were or were not proved at the trial.

The plaintiffs are merchants in Calcutta, and the defendants carry on business as insurers at the same place, under the style and firm of the Union Insurance Company. One Dear Christian applied to Jones, the agent of the defendants, to grant a policy on certain goods intended to be consigned from Dinapore to Calcutta. The policies were accordingly made out by this agent, who sent peons on board, with directions to take charge of the goods laden on board the boats. It was proved that according to the custom of trade, the peons were always the servants of the Insurance Company, and distinguished by particular numbers, but the boats were supplied by the party insured. It was further proved, that in general, the policies are not made out and given to the party, until it is ascertained that the goods have been actually shipped; and that, therefore, the agent ought not to have previously parted with the policies. Now, Jones was aware, at the time, that he granted the policies, that the goods were not on board; but, he himself swears, that he would not have parted with them, had it not been for his confidence in Christian's integrity and good faith. In these policies the goods are expressed to be laden on board. There was also an indorsement, (never seen, however, by Jones), in the hand-writing of Christian, empowering the present plaintiffs to adjust in the event of loss. Christian, on obtaining the policies, transmitted them to the plaintiffs, advising them at the same time that he had consigned to them the goods mentioned therein, and that he had drawn bills against the proceeds. These bills were accepted by the plaintiffs, and paid when due, but the goods, prevented to be consigned, never arrived, having never been shipped on board at all. Christian, after unsuccessfully practising this fraud, absconded, and the consignors bring their action for the consequential injury they allege themselves to have sustained, through the representation made on the part of the Insurance Company. At the trial, we were of opinion, that the plaintiffs would not have accepted the bills, but for the representation made by the defendants, at the same time, however, we negatived all fraudulent intention in general and, therefore, by implication, any intent to defraud the plaintiffs individually. Under these circumstances we found a verdict for the plaintiffs, reserving liberty to move for a nonsuit. This rule having been obtained, and argued before us in the course of the present term, we are now of opinion that it must be made absolute.

The earlier cases clearly do not affect the present question, as they all proceeded upon the ground of positive fraud. These are *Palsy v. Freeman*, *Pepp v. Lee*, *Hayercroft v. Crenay*, *Ashlin v. White*, and *Scott v. Laro*. But two decisions of a more recent date approach nearer and afford some ground of argument for the defendant. These are *Foster v. Charles*, 7 Bingham's reports, and

*Corbett v. Brown*, 8 Bing. By these cases a distinction is taken between moral fraud, and fraud in law, and it is held that a statement, false within his own knowledge, made by the defendant to the plaintiff, and occasioning an injury to the latter, will furnish a ground of action, without proof of any interested or malicious motive. The distinction, however, consists in this, that in all the cases relied on for the plaintiffs, the false representation was made *directly to the plaintiffs*, and with an intention to induce them to act upon the faith of it. The strongest case of all is *Polhill v. Walter*, 3 Barnewall, and Adolphus's Reports, p. 114, yet it is no exception to the previously established rule. In that case, the defendant had, in good faith, accepted a bill of exchange by procuration for the drawee, but without any authority from the latter, and an endorsee, having been nonsuited in his action against the drawee, brought an action for the consequential injury thus sustained through the wrongful representation of the defendant, that he was duly authorized to accept by procuration. It was held that the plaintiff was entitled to recover, because the defendant had in effect made the representation to each party to the bill individually, and the giving credit to such representation, was, according to the ordinary course of business and dealing, and was a natural and necessary result. If in the case before the Court, the insurers had expressly represented to the plaintiffs in particular that the goods were on board, and if the giving credit to the statement had been a matter within the ordinary course of dealing in the commercial world, the case would not have been distinguishable from *Polhill v. Walter*, and our judgment must have been for the plaintiffs. But we do not in the least degree interfere with the principle established by the cases adverted to. Our decision proceeds upon the principle that a man can only be liable for the natural and necessary results, and not for the remote and indirect consequences of his acts.

*Sir John Grant* fully concurred with the Chief Justice: His Lordship went over the facts, and stated at considerable length, the reasons upon which he grounded his judgment.

The Advocate-General Mr. Prinsep, and Mr. Clarke, for the plaintiffs.

Mr. Leith and Mr. Grant, for the defendants.

Rule absolute for a nonsuit, with costs.

#### JUGOOTHCHUNDER MOOKERJEE v. RAJAH BURRODICAVUT ROY.

In this case a demurrer had been filed by the defendant, to a bill of review. The complainant now moved that the bill may be dismissed, on payment of costs.

The Advocate-General and Mr. Prinsep for the complainant.

Mr. Clarke and Mr. Leith for the defendant.

Bill dismissed.

#### DOE v. PRESTON.

The Advocate-General for the lessor of the plaintiff had obtained a rule nisi upon affidavits, for dispaupering the parties who had entered into the rule to be made defendants in the place of the casual ejector, and who had been admitted to defend in *forma pauperis*.

Mr. Marnell shewed cause upon affidavits that the property of the defendants was altogether worth a sum below the limited amount.

Rule discharged.

#### CURBIN v. CURRIE.

Mr. Leith moved to make a rule absolute for an attachment on non-performance of an award, which had been made a rule of court.

No cause was shewn.

Rule Absolute.

#### RAMCHUNDER CHOWDRY v. SHAMYLOLL TAGORE.

Mr. Clarke mentioned to the court this case, which stood for hearing *ex-parte*, on the equity board for to-day.

Sir Edward Ryan said, that it would be more regular to postpone it until to-morrow, as Thursday was a motion-day.

RAMCHUNDER CHOWDRY v. SHAMYLOLL TAGORE is the first of four cases, which are entered on the plea side for Friday (This day).—*Hurkaru*, March 23.

FRIDAY, MARCH 23.

(Before Sir E. Ryan and Sir J. P. Grant.)

#### DORON DEMISE OF JAUN BEBEE versus ABDOLAH, BARBER.

Sir Edward Ryan intimated to the counsel in this ejectment case that the court found some difficulty in deciding the points which had arisen on Mahomedan law, and that they purposed, therefore, before giving judgment, to refer five questions for the opinion of the Moulavie, who would be directed to cite authorities for each position.

1st Question.—Whether, according to Mahomedan law, an endowment to charitable uses is valid, when qualified by a reservation of the rents and profits to the donor himself during his life?

2d Question.—Whether delivery of the property is essential, to render an endowment valid, according to the rule which governs other gifts?

3d Question.—Whether the endower can lawfully constitute himself Mutawallee or trustee?

4th Question.—Whether a female can lawfully be Mutawallee?

5th Question.—Whether the instrument in question is a will, or a deed of endowment?

#### BRODEAH BEBEE versus RUSSUM TUNDILL.

Mr. Cochrane opened the pleadings.

Mr. Prinsep stated the case for the plaintiff. This was an action of trover to recover twenty-nine gold mohurs. The plaintiff was a widow, and being about to proceed to Chittagong, entrusted to the charge of the defendant, a box under long lock and key containing forty gold mohurs, and several gold and silver ornaments. On her return after an absence of two years, the ornaments were duly returned, but the box in question was found to contain only eleven gold mohurs. The learned counsel apprehended that it would be for the defendant to explain how the deficiency occurred, when it had been proved for the plaintiff that the specified coins had been committed to the defendant's custody, and that the defendant had accepted the trust.

Two sepoys having been examined in support of the plaintiff's case, it appeared from their testimony that the box had been broken open by the defendant, and the money abstracted. The court then interrupted the examination, and enquired how the case could be proceeded with when it appeared from the plaintiff's own witnesses that (if true at all) the alleged cause of action amounted to a felony.

The plaintiff's counsel admitted that they could not get over the objection.

Plaintiff nonsuited.

The Advocate General for the defence.

**RANDHYAL BUCKET V. RAMBET BUCKET AND OTHERS.**

The particulars of this case are reported in the *Hurkaru* of February 7th. The action was brought to recover the sum of 1,000 rupees for money lent. Judgment had been obtained by default against some of the defendants, and the case was heard *ex-parte* against the others, last term. A verdict was then obtained for the amount claimed and judgment entered up, but no notice of assessment of damages having been given to those of the defendants who had allowed judgment to pass by default, the court intimated the next day that the plaintiff could take nothing by his judgment.

The case was again heard *ex-parte* to-day, and the damages were now assessed upon due notice.

The *Advocate-General* and *Mr. Cochrane* for the plaintiff.

**ROBERT WALKER V. THOMAS REEVES.**

*Mr. Prinsep* opened the pleadings. This was an action in trespass, for pulling down and destroying plaintiff's wall, and throwing the bricks upon his premises, and committing other violence. The defendant had pleaded the general issue to all the trespasses except the demolition of the wall, which he justified upon the ground that his windows were ancient windows, and the plaintiff by building the wall had obstructed the light. The replication traversed the averment that the wall obstructed the light, and also that the windows were ancient.

The *Advocate-General* stated the case. These parties lived in adjacent dwelling-houses. From the windows in question, which overlooked plaintiff's premises, defendant's servants had been in the habit of throwing rubbish, against which nuisance plaintiff had remonstrated in vain. He accordingly built this wall for his own protection and defendant, with the aid of his servants, had taken upon himself forcibly to destroy it, and to throw the bricks about on the plaintiff's premises, by which the servants of the latter had been materially injured. It would be for the other side to prove that the windows were ancient, and if they succeeded, the question would still remain whether the wall was built high enough to obstruct the light. The learned counsel submitted that it would be necessary for the defendant to shew also some ownership in the house, in order to give him a right to abate the alleged nuisance.

From the cross examination of the witnesses called for the plaintiff himself, it appeared that the windows were ancient windows, i. e. existing more than twenty years, and that the wall was of such a height, and placed in such a position, as to cause an obstruction to the light. This was of course sufficient to establish the defendant's justification; but the pleas having unnecessarily taken issue on certain allegations on which the plaintiff would be entitled to a nominal verdict. The court suggested that it appeared a fit case to be referred to the arbitration of some gentleman at the bar. After some discussion this was agreed to. The hesitation on the part of the defendant arose from the circumstance that there were other parties not on the record, who were interested as partners of the defendant. These parties had commenced actions on the case against the present plaintiff for obstructing the ancient lights, and the decision of the court could only bind those whose names appear as parties on the record.

The *Advocate-General* and *Mr. Prinsep*, for the plaintiff.

*Mr. Clarke* and *Mr. Leith* for the defendant.

Verdict for the plaintiff for nominal damages, subject to reference of all matters of dispute between the parties. Costs of the action, and of the award to be within the discretion of the arbitrators.

**WILLIAM BARRETT V. WILLIAM TULLON FRASER.**

*Mr. Grant* opened the pleading. This was an action for an assault, and the defendant had pleaded the general issue.

*Mr. Clarke* stated the case. The plaintiff is the head clerk in the Calcutta Lottery office, and the defendant is a partner in the firm of Messrs. Moore and Hickey, auctioneers. Some time since, the plaintiff purchased a lot of shawls by auction, and gave them in custody to the sircar at the auction room, to be put aside until removed. On inquiring for them subsequently, he discovered that one of the most valuable was missing, and an inferior shawl substituted. This matter he represented to the defendant, requesting that the shawl might be restored, or the purchase cancelled altogether. Defendant declined both alternatives, saying that no exchange of shawls had taken place, and that he would sooner trust the word of his sircar than of the plaintiff. Upon this, the plaintiff being irritated replied, that the auctioneers seemed to keep sircars for the express purpose of cheating their customers! Defendant thereupon struck plaintiff a violent blow over the eye, inasmuch that he was unable to attend to his business for some time, and was obliged to call in medical aid! The learned counsel said that the case was one of importance to the public. Tradesmen were not to be permitted with impunity to insult their customers, by insinuations against the truth of the assertions, and then follow up insolence by committing an outrageous assault.

*Mr. Darling*, of Messrs. Moore and Hickey's establishment; called as a witness. Defendant was standing at his desk at the time. There was a rail between him and plaintiff. The latter used abusive expressions, and found fault with the smallness of the establishment and of the bad management. The shawl in question had been knocked down for forty rupees; the difference between the two shawls was that one was a native shawl, the other a company's; can swear that he saw no blow struck, and that the defendant's fist was not clenched. The defendant motioned the plaintiff away with his hand, and, in doing so, he might have patted him on the face.

*Mr. H. S. Mercer* attended the plaintiff. His eye was slightly red, and he complained of a head-ache.

Two natives in the employment of Messrs. Moore, and Hickey were called, and deposed that the defendant did strike the plaintiff, but it was with his hand open, while waving him back, and saying to the durwan, "turn this man out."

*Mr. Clarke* then said, that it would be useless for him to call any more witnesses, as they were all evidently, hostile.

The *Advocate-General* (with whom was *Mr. Leith*, for the defence), submitted that no assault had been proved. It is true that the slightest blow or touch is an assault in law, but it must be done with an intention to assault.

*Sir Edward Ryan* said that the court was of opinion that an assault had been proved, but that the case was a very trumpery one, and the smallest coin would be a sufficient recompense.

**Damages, ONE ANNA.—Hurk. March 24.**

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**MONDAY, MARCH 26.**

*Sir J. P. Grants* sat alone in Court this morning, and intimated to the bar that all motions, except motions of course, should stand over. The absence of the Chief Justice is occasioned by a recent domestic affliction.

Two *ex-parte* cases, and one defended cause, still remain on the common law board. There are no causes remaining on the equity side.—*Hurk. March 27.*

TUESDAY, MARCH 27.

(Before Sir J. P. Grant.)

IN THE MATTER OF ———

Mr. Prinsep had moved the court yesterday for a commission *de lunatico inquirendo* in the case of a certain party, a Hindoo, alleged to be of unsound mind. This person appeared to be connected with some wealthy native families, but the only affidavits on which the application was made, were those of a khansamah and a native doctor.

Sir J. P. Grant, this morning, said that stronger grounds must be shown before a commission could be directed. The court would exercise a species of discretion and control, like that vested in a Grand Jury. This party was connected with wealthy families, yet the only affidavits were those of a khansamah, and a native doctor. The learned judge did not intend to imply that these deponents had not sworn to the real truth, but the former was in an inferior station of life, and of the latter the court had no means of judging concerning the education, experience or competency. There ought to be adduced the evidence of some relative or near connexion, or else of a European medical practitioner, visiting the party for the purpose of examining his state of mind. His Lordship said, that he should adopt the course which he used formerly to pursue at Bombay, and take examinations in such matters at chambers, that the private affairs of the party might not become matter of public notoriety.

DWARKANATH TAGORE *versus* ARCHIBALD BRYCE.

This was an action of debt on a promissory note, and was struck out of the board by the plaintiff's attorney.

Two *ex-parte* cases were heard. These actions were brought to recover the amount of attorney's fees.

The Advocate-General and Mr. Leith for the plaintiff.

There are no causes remaining on either the common law, or equity board.—*Hurk. March 28.*

FRIDAY, MARCH 30.

SITTINGS AFTER 2D TERM—PLEA SIDE.

(Before Sir E. Ryan and Sir J. P. Grant.)

SHAIK MAHOMED MAOON AND ANOTHER *versus* HAJJEE RUJJUB ALLY.

Mr. Clarke opened the pleadings. This was an action on the common counts, to recover two sums, amounting together to Rs. 2,334 with interest.

The Advocate-General stated the case. The plaintiffs are merchants and general dealers, and have been in the habit of lending different sums, and sending goods at different times, to the defendant. In 1836 the defendant signed written acknowledgments of the sums in question being due, these acknowledgments were appended to certain entries and statements of accounts between the parties.

A Moon-shee was called to prove the writing and signing of the acknowledgments of the debt.

The sircar of the plaintiffs deposed, that he had kept their accounts for several years, that they had had several dealings with the defendant, and that he had acknowledged these debts due. Of the plaintiffs, who are partners, one resides at Calcutta and the other at Madras. The defendant, a short time since, obtained a decree against one of the present plaintiffs, and property was seized in execution under it. [This witness was cross-examined at considerable length, in reference to other

suits and actions between the parties, and also a reference to arbitration.]

The court inquired what was the object proposed by all this cross examination.

The defendant's counsel replied, that it was to impeach the testimony of the witnesses, and to shew that these entries were false and fraudulent altogether.

Mr. Prinsep (with whom was Mr. Leith, for the defence) addressed the court. This case depends entirely on the credibility of the witnesses, and it is on that account that matters apparently irrelevant have been gone into. One witness said that the knew nothing of the action formerly brought by the present defendant, while another proved that he was waiting in court with the former on subpoenas to give evidence in that very action. The present claims were utterly fictitious. The defence was not in the nature of a plea of payment or set-off, which would be inadmissible on the present pleadings, but it is founded on the suspicion and fraud presented by the transaction. Former actions and arbitrations have been instituted between the parties, and it is for the court to consider whether the setting up of pre-existing cross-demands long after the prior disputes had been settled is not a circumstance of strong suspicion. It is pretended that these entries were signed by the defendant, but it will be proved that he is scarcely able to read or write at all.

Sir E. Ryan said, that the grounds of defence appeared inconsistent. At one time it was alleged that the present claims had been adduced before arbitrators, and, consequently, already settled, which, however, admitted their genuineness, and at another time it was attempted to impeach them altogether.

Mr. Prinsep said, that these claims had been advanced before, but were then rejected, and that they were now urged again with the fresh aids of pretended signatures, and fictitious witnesses. He submitted that the whole case was one of fraud and imposture.

A Mogul horse-dealer, who had been one of the arbitrators, was called as a witness, and the question was put whether the entries in question had been seen by him before, and whether they were now in the same state.

The Advocate-General objected to this question, on the ground that the award, if relied upon, ought to have been specially pleaded.

Sir E. Ryan.—An award certainly cannot be relied on in bar of the action, as a settlement of all disputes between the parties, unless pleaded specially. But this question is put with a totally different object, and it is quite competent to use the evidence as a presumption of fraud, and to prove that the debt never existed.

The above question was then put to this witness, and another Mogul witness, and they both swore that certain alterations had been made in the entries since the time when they had first seen them. These witnesses were subjected to a rigorous cross-examination with the view of impeaching their evidence, and shewing discrepancies in the testimony of one and the other.

The Advocate-General was then called upon, and replied in a speech of considerable length, and great acuteness, in which he endeavoured to reconcile the evidence adduced for the plaintiffs and to show the improbability of the tale which the defendant had set up.

The court, after a short consultation, said, that the learned advocate in his address, had urged every thing for his client's case that could possibly be said in its support, but their opinion remained unchanged, and there must be a verdict for the defendant. This opinion was founded chiefly on the discrepancies in the evidence of the plaintiffs, own witnesses. Besides, the matter of the arbitration could not be got over, unless the plaintiffs meant to say that the whole was an ideal and fictitious



scene, invented from beginning to end for the purposes of the present defence. The plaintiffs now supported their case by more than one witness, and yet they had not pretended to shew that one of their witnesses had been called when the same claims were before the arbitrators.

*Verdict for the defendant.*

This case occupied the court the whole day. There was a vast amount of contradictory and cross swearing, and perjury on one side, if not on both.

**HURRYLOLL TAGORE versus SHAMYLOLL TAGORE.**

The *Advocate General* moved the Court, that in this

cause (standing next on the board) a verdict should be entered by consent for the plaintiff, subject to a reference to arbitration.

*Mr. Clarke* for the defendant was instructed to consent.

*Verdict for the plaintiff, subject to reference.*

The court, on rising, intimated that to-morrow, Saturday (this day) common motions only would be taken? and that their Lordships would not sit until twelve o'clock. The Insolvent Court sits to-morrow (this-day.)—*Hurk. March 31.*

## INSOLVENT DEBTORS' COURT.

In the Insolvent Court this-day Mr. James Ambrose was brought upon his petition. There was no notice of opposition, but the Chief Justice observing fourteen creditors on the schedule who had not been served with notice of this application, adjourned the hearing to the next court day, parties to be served in the meantime.—In the matter of Peter Foster, application was made to amend the schedule and to insert therein the names of several creditors. But the Chief Justice remarked that this was by no means a matter of course, this being the day of hearing, the application should have been made

previously, and the more so, the insolvent not being in jail. The assignee stated it was very difficult to obtain information from the insolvent regarding his state. The Chief Justice refused to make the order, and the matter stands over.—In the matter of James Black a third dividend of ten per cent. was declared; in the matter of Captain Battley a fourth and final dividend was declared of sixteen per cent.—Major Ousely was discharged from the responsibilities of assignee to the estate of Fergusson and Co.—*Hurkarn, March 5.*

## SUDDER REVENUE BOARD.

### CIRCULAR ORDERS.

NO. 18, A HEADING FOR THE STATISTIC REGISTER.

The Sudder Board have informed the commissioners for the divisions of Chittagong, Bhaugulpore, Dacca and Assam, that the Deputy Surveyor General has instructed the surveying officers employed in their divisions to communicate with the commissioners on the subject of a proper heading for the statistic registers, as it is probable that local circumstances may require some modification of the form in use in the Western Provinces. The commissioners have been directed in communication with the Deputy Surveyor General, to determine what native documents should be supplied by the surveyor to the settling officers. The board wished to know whether a *khusrah* and *kheetteonee* *Asameservar* may not be sufficient. The *khusrah* might (says the board) be prepared in the form described below, the measurement columns being filled up by the native surveyors, and the remainder supplied by the deputy collector, or other officer of the revenue department who accompanies the party.

No.	samee.	Length.	Breath.	Area	Descrip- tion of soil.	Pro- duce	rate of rent
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*Hurk., March 5.*

### CIRCULAR ORDERS, 1838.

#### NO. 19 RETURNS OF SUMMARY SUITS.

By an extract from a letter from the secretary to the Government of Bengal in the revenue and judicial departments, that it is not to be gathered from the statements now supplied, how long is the average time taken by summary suits from institution to final decision. It is desirable, his honor the Deputy Governor thinks, to

know this, and it was requested that the information should be supplied in future.

The letter of Mr Secretary Thomason, dated the 4th September 1831 (says Mr. Halliday), prescribed a statement of appeal to commissioners on summary suits; this statement not having been prescribed to commissioners by the resolutions (approved by Government) of the statement committee, the orders of 1832, regarding it must be virtually abrogated. It will not, therefore, be necessary to furnish such a statement, and the Deputy Governor has requested that the orders regarding it issued by the Board to the commissioners, may be recalled.

The Board have circulated the above orders among the commissioners of revenue, directing them to furnish the acquired information, and to observe from the latter paragraph, that the return of appeals of summary suits, preferred against the decision of the collectors, and their subordinates, need no longer be submitted.

The suits (says the Board) referred to the Civil Court, should be entered in the figured columns with the decided cases "as disposed of," and the number thus referred should also shew the date of the oldest suits pending at the end of the quarter.

The Board have also desired the commissioners to direct the several collectors to transmit their respective returns, immediately the quarter has expired, so that they may reach the Board's office at the latest by the 20th of the succeeding month: any deviation from these orders (says the Board) will be seriously noticed.

#### NO 20.—REGARDING DEPUTY COLLECTORS UNDER REGULATION IX. OF 1833.

The Board have desired the commissioners to report to the civil auditor whenever any interruption to the

duties of a Deputy Collector, under regulation IX, of 1833, may occur, whether by death or leave of absence.

No. 21.—From an extract of a letter from Mr. officiating secretary F. J. Holliday, dated the 30th January 1838. It appears that his honor the Deputy Governor has reason to believe that the rule laid down in Mr. Secretary Mangle's letter of the 12th July 1836, for referring to the statement committee all additions and alterations to periodical statements in the revenue department, has not been very regularly observed, and in an extract from a letter addressed to the committee for the revision and consolidation of periodical returns, it is remarked, that a rule founded on these principles must be circulated for the guidance of all the authorities subordinate to the Sudder Board, and that they would be requested not to direct the submission of any periodical return, nor to alter any statement after it shall have been revised and approved by the committee, without the previous sanction of government.

The Board have promulgated the above orders to all the revenue commissioners.

#### IMPORTANT TO GRANTEES.

Our readers must have observed the report of the case of Moonshee Mahommed Ameer *versus* Mr. McDougall, published in our paper of the 5th instant, regarding an alleged claim to a portion of Soonderbun land in the possession of the defendant. The Principal Sudder Ameen entertained the case against all the arguments urged on the defence. The consequence is, that the defendant's pleader, Mr. R. Dias, called on the present commissioner, Mr. William Dampier, and submitted the hardship to which both Messrs. Macpherson and McDougall, as government grantees, were subjected to by the support given to the zemindars by the civil courts. That experienced and intelligent officer immediately concurred that the civil courts had no jurisdiction in either of the cases, but that they should have been instituted before the special commissioners. Mr. Dampier immediately ordered a rooboocarry to be forwarded to the vakeel of government, to appear at the principal Sudder Ameen's Court, and bar his jurisdiction in the two cases. The vakeel appeared at the court on the 6th instant, and desired to be furnished with a copy of the plaint for the above purpose.—*Hurk*, March 14.

## SUDDER DEWANNY AND NIZAMUT ADAWLUT.

### CIRCULAR ORDERS, 1838.

#### NO. 482. ABOLITION OF PERSIAN.

The Sudder Dewanny and Nizamut Adawlut, on the 9th instant, transmitted to the Judges subordinate to them, copies of the resolution of Government passed on the 23d January last, on the abolition of the Persian

language, published by us in the *Hurkaru*: the Judges have been authorized to promulgate those orders to the native courts and officers subordinate to them; and, with a view of enabling the superior court to lay before Government the information required to be submitted by the 1st July next, the Judges have been desired to report, on the 1st June, what progress has been made in carrying into effect the present instructions.—*Ibid*.

## ZILLAH TWENTY-FOUR PURGUNNAHS.

### FRIDAY, MARCH 23.

Mr. W. Cracroft resumed charge of his duties as Civil and Sessions Judge of this district to-day. Mr. Torrens, we believe, will proceed to his own appointment.—*Hurk*, March 26.

### WEDNESDAY, MARCH 28.

Although this was the last day of the second term, the business of the morning was finished in less than half an hour.

A rule obtained by Mr. Clarke, on the plea side, against which the *Advocate-General* was to have shewn cause, was enlarged by consent, until a future day, when it is to be heard as of the last day of term.

Ten causes are set down on the Common Law Board for theittings, which commence to-morrow, Thursday (this day.)

#### (Before W. Cracroft, Esq.)

This day the Judge heard several petitions, from amongst which we select these as being worthy of notice.

First. In this case the petitioner wished to appeal from the decision of the Magistrate of Barasut. He said that he had proved in his suit before the Magistrate at

Barasut, that the parties against whom he had complained had come forcibly armed with clubs, and accompanied by others into his fields and had beaten him and the persons employed by him in cultivating his fields, and cut and carried away his corn; and yet the Magistrate had refused to award him any sum from the parties against whom he had complained as a compensation for the loss of his grain. The Judge observed, that he believed the petitioner, if he had proved the injury he had sustained by the defendant's acts, must sue the parties in a civil court for damages, and not in a criminal suit. He, however, ordered the original proceedings to be produced before him that he may be able to judge better of this matter.

In this case the petitioner complained that a party against whom he had an action in the Magistrate's Court at Barasut, had given in the names of several persons as his witnesses in that case, amongst the rest the name of the petitioner's father, who is not residing in the house where the petitioner resides, but has gone some years ago on a pilgrimage to Benares, where he believes he has subsequently died. Three of the witnesses named by the party have already been examined, but he still persisting that this petitioner's father is concealed in his house, and he therefore cannot serve the subpoena on him. The Magistrate has therefore deputed the Nazir of his court to go to the village where this petitioner resides and enquire into this matter and the Nazir, in compliance with this order has proceeded to the village and placed peons at

this petitioner's door to prevent any person from either entering or quitting his house. Their domestic arrangements are completely disorganized. The shri-hadar brought to the notice of the Judge that the Moonsiff at Howrah had likewise complained in this case, and stated to the Judge that the Magistrate had ordered his amlas to appear before him in this case, and that they have now been for some days at his court, and the Magistrate had confined some of them, consequently his business is at a stand and the cases are accumulating in his office.

The Judge observed that it was very irregular in the Magistrate to confine any of his amlas without first noticing the circumstance to him; he therefore ordered that a precept be sent from his court to the Magistrate at

Barasut calling on him to explain his proceedings and report to him on this case fully.

In the mofussil courts it appears, that money which may have been deposited in realization of any suit in paid to any creditor in the suit, unless one of the vakeels or officials attached to the court certifies that the money is the identical plaintiff in the suit, his having been generally known by all the amlas in court for years as the person who has managed the suit, and that he is the person he represents himself to be, is of no avail without this identification, added to which he must have witnesses to attest the payment of the money to him, his own receipt not being considered sufficient without this attestation.—*Hurkara*, March 29.

## MISCELLANEOUS.

### CALCUTTA.

**MR. J. C. C. SUTHERLAND.**—Mr. J. C. C. Sutherland has been appointed to succeed Mr. Millett as secretary of the Law Commission.

**MANUFACTURE OF SILVER TWO-ANNA PIECES.**—It is said that the Mint is now employed in the manufacture of silver two-anna pieces, and that in order to ensure the free circulation, it is contemplated to pass an enactment, limiting eight annas of pice as a component part and legal tender in the exchange for a rupee, and that the balance is to consist of four and two-anna pieces.

**THE GOVERNOR-GENERAL.**—The Governor-General's camp expected to be at Kurnaul on the 2d instant to leave the station on the 6th, and to reach Seharunpore on the 9th instant. From Seharunpore it is probable the Governor-General, with a few attendants, will proceed via Nahr and Mussorie, while the rest of the camp go by Bar to Simla.

**SIGNORA SCHIERONI.**—Signora Schieroni has left Calcutta for the Cape, to the regret of all the lovers of harmony.

**FIRES.**—Fires have occurred every day during the week in different parts of the town, and much property has fallen sacrifice to the flames.

**THE CHITPORE ROAD AQUEDUCT.**—Two wealthy native gentlemen, Baboo Mutty Loll Seal and Madhub Dutt, have taken upon themselves the expense of continuing the Chitpore road aqueduct along new Colootolla road, as far as the central road; the former with a view of supplying the small, and not over cleanly tank, belonging to the public, on the east side of his house, with good and wholesome water, and the latter for the improvement of his Bazar, situated at the junction of the new Colootolla and central roads by an increased supply of the necessary element.

**RAJAH PERTAUB CHAUD.**—The *soi disant* maha rajah Pertaub Chaud, embarked on board a Budgerow at Barra Bazar on the 17th instant, to proceed, as report says, to Burdwan. He moved from a house at Foujdary Balakhana, where he had taken up his residence for some months, attended by a numerous retinue of peons armed with sticks. He was followed to the ghaut by an immense crowd of natives. It is worthy of remark, that the belief of this individual being the real Pertaub Chaud, still continues unshaken in the minds of the credulous portion of the native community.

**HIGHWAY ROBBERY.**—Gentlemen in the habits of taking solitary nocturnal rambles, would do well to provide themselves with good sticks, as the "stand and deliver" gentry are on the alert to take purses in this

goodly city of palaces. Two cases have occurred during the week; but the robbers have fortunately been captured.

**COMMUNICATION BETWEEN ALLIPORE AND CALCUTTA.**—By order of His Honor the Deputy Governor of Fort William, the direct communication between Allipore and Calcutta, across the race course, will be immediately re-opened; it is to remain open until training commences.

**STATE OF HEALTH.**—Fever and cholera are raging in and about Calcutta with a great degree of virulence, and especially the latter, most of the cases of which prove fatal, and affect the European community in some measure. Scarcely a native is to be met with that is not labouring under a cold; and they, almost without exception attribute the unhealthiness of the weather to the water of the new Canal being allowed lately by opening the locks to run into the river, whose water they use as their sole drink.

**DISURBANCES IN ASSAM.**—Disturbances have lately taken place in Assam. It appears that Lieut. Millar, second in command of the Assam Light Infantry, had been sent out, with a party of his corps and some irregular soldiers from the Beega Gaom, a native chief, for the purpose of driving one Peshee Gaom from the Company's territories, in consequence of repeated disturbances which he had occasioned. On the 4th February, Lieut. Millar arrived within a few miles of Pe-hee Gaom's village with his detachment, but was suddenly attacked, a fire having been opened from a breast-work thrown across a gorge on the top of a hill. Only a few shots were fired, but these had the effect of completely routing the Beega Gaom's men and the rest of the Singphoes. The sepoys of the Assam Light Infantry however remained firm, and Lieut. Millar intended to attack the stockade, but could find no road. These men being very much dispirited from having no power of seeing their enemy, he returned to the camp to acquire every information possible. He afterwards ascended the place, but found it deserted, and from an excellent spy he learnt that Peshee Gaom had fled to Bomgong. The Bessa and Luttra chiefs had proved false in their professions of friendship to the British Government. It appears that the Duffa chief had also told the King of Ava that our Government intended at attack on Hookum, and Tharawaddi in consequence had sent a party about three hundred soldiers to that place. The Duffa Gaom had also collected a small force. Lieut. Millar had stockaded himself in the hills, which are of the most rocky description, the jungle dense and no roads of any kind. The difficulty of fighting in such a place and in an unknown country, may to

easily conceived. Lieut. Millar had been assured by those whom every one considered to be the best informed, that there was no chance of an attack, but he nevertheless took every precaution, posting sentries, &c. The stockade being extremely small, and much crowded, a party of Singphoes were allowed to sleep in a hut just outside the stockade at their earnest entreaty. Early on the morning of the 10th February a horrible yell was heard from the direction of this hut, and it was found twenty-one of these poor wretches, men and women, had been butchered in their beds!! It had been raining hard all night, and the morning was consequently extremely dark, but a fire was instantly opened in the direction which the villains took, and from marks of blood having been tracked for some distance through the jungle, it is believed that some were wounded. From a prisoner subsequently taken it was learnt, that these murderers had been hired by the Peshees, that the party consisted of one hundred and were only armed with *dhaus*. The only object appears to have been blood, for nothing was missed, except one or two muskets. It is possible that the Peshees, maddened with revenge, may not so easily leave the Company's territories; and it is understood, stockades and barricades have been erected. Lieut. Millar's stockade was surrounded by spies; in clear nights they could distinctly see the Peshees' Gaom's movements, who doubtless, when a favourable moment occurred, intended to commence the attack. In these thickets our troops fight under the greatest disadvantage, the enemy firing from ambuscade and then flying off in different directions in small parties. Major White was not far off, and had proceeded to join Lieut. Millar, with a party of 90 men, and had also ordered another officer to follow him, with a company of the Assam Light Infantry.

**MEETING OF PODARS—PICE.**—It is said that there has been a general meeting of the podars in Calcutta, whereat it was determined to drain the mint office, with a view to storing up the pice, and, in the consequent scarcity, disposing of them at a manifest disadvantage to the public. The annoyance entailed by the practices of these people, which are now reduced to a system, calls for the interposition of authority.

**WANT OF WATER.**—Great distress is experienced in the country from the scarcity of water, occasioned by the extreme drought this season.

**DISTRIBUTION OF ALMS.**—On the 23d instant, Baboo Dwarkanauth Tagore distributed alms to beggars, between fifty and sixty thousand in number—eight annas each to the privileged order, namely the Bramins, and four annas to others, without distinction of caste, creed or age; on the occasion of his mother's shroud, which took place the day before. There were women seen amongst the crowd with children scarcely more than a very few days old, but no accident occurred. The beggars were first of all put in native houses, having the largest squares, from one end of the town to the other, which being done, about four in the morning, the distribution commenced, and was over before tea.

**ASSAM—PROSPECTS OF WAR.**—Letters have been received from Akyab to the 16th instant. All then was quiet on the frontier; but the writer of the epistle doubts, in most poetic phrase, whether "it be not the calm which precedes the storm," "the quiet which pervades the grass-covered volcano, while the fiery elements within are raging to burst forth," or

"The torrent's smoothness, ere it dash below."

Tharrawadie has ordered a general "counting" of arms to be made throughout his dominions, and returns to be made of the numbers capable of bearing them. It appears to be the Burmese custom never to embody an army, until it is actually required for service; so it is impossible to say, when the tempest will burst.

**ACCOMMODATION IN FRENCH STEAMERS.**—The following is an extract from a letter dated Malta, the 12th of January last, and completely sets at rest the rumours afloat in regard to the bad accommodation and worse fare to be found on board the French steamers.

"I came from Alexandria by the French line of steamers. Splendid ships and fitted up in the most beautiful manner, with pannels of the rarest woods, inlaid in a style that might suit a royal yacht better than a steam packet. The accommodations of the private cabins are capital, and the table kept after a very respectable fashion; in short the richest man in Europe, could not a few years ago traverse the Mediterranean, with the luxury of expedition and comfort, that a private person can now command for a few sovereigns."

**THE HINDU HOLIDAY BAROONIE CHOLERA.**—This is a celebrated bathing festival, at which thousands of Hindus repair to *Trebanee* ghaut, a few miles above Hooghly, for the purpose of purification. This year the holiday occurred on the 23d ultimo. For two days previous, the roads leading to the ghaut were crowded with people, and at one time there were not less than probably 30,000 assembled at, and near the ghauts. The rush to the river was so impetuous that great numbers were with difficulty rescued from drowning by the activity of the police. The greater number of those who went to Tribanee on Saturday last, came from distant parts, there being very few Bengalis among them. In going to and returning from Tribanee, these people slept by the road side, so that the roads for miles were lined with them. Exposed to the vicissitudes of the present remarkable season, thousands of them have been seized with cholera and many have already fallen victims so that fatal disease.

**THE BORE.**—The bore during last springs was very severe and caused several accidents to the craft on the river. Two vessels, the names of which we have not been able to ascertain, were torn from their moorings, and one of them had the side of her poop and her jib-boom smashed;—the other also, we are told, received some slight injury. Many boats were swamped on both sides of the river, and others severely damaged by being dashed against one another. A gentleman who was going over to Seebpore in a bauleah, was caught by the bore, when about three parts of the way across the river, and although the boat's head was promptly turned to the foaming surge, she was capsized, and every body on board obliged to swim for their lives. All, however, luckily escaped, with merely a good drenching. Another gentleman was overtaken by the flood, near Gollahdunga ghaut, and had his jolly-boat dashed to pieces and two of his men much hurt: he, however, escaped uninjured himself. We have been informed that three dinghee-wallahs perished through the bore galih pate being caught near the Sumatra sand and buried in the waves. Parties crossing the water during the full and new moon, should be extremely vigilant, or they will stand a chance of losing their lives. The best way to escape the force of the bore, is by pulling into the middle of the stream, when they see or hear it coming, and rowing down the river, with the boat's head opposed to the advancing tide; and then, immediately after the first surf has passed, they should pull in as far as possible to within fifty or eighty yards of the shore, where their boat will easily bound over the two back surfs, and they may afterwards land, with ease, in perfect safety.

The bore on the nights of the 26th, 27th and 28th ultimo, was very violent and did much mischief to the banks and boats on the Howrah side of the water. We learn that on the night of the 28th, the chains of the Berhel were snapped asunder, and that several vessels dragged their anchors. A pariah sloop was stranded and several boats swamped.

**ORIENTAL LIFE INSURANCE OFFICE.**—At the meeting of

the share-holders of the Oriental Life Insurance Office, held on the first instant, agreeable to advertisement, the several propositions submitted by the directors were unanimously adopted. The shares of this institution are at a considerable premium on the amount subscribed. The principal features in the alterations in the practice of the society proposed by the directors,—at least the one most interesting to the public, is,—that by an altered scale of premiums now adopted, military and naval lives are insurable on the same charge as civil lives,—which has been the case hitherto in the long established laudable societies only.

**EXPORTATION OF COOLIES.**—It appears that the exportation of coolies from Bengal to Mauritius is to be put a stop to until further notice. Nothing is said about those who have been shipped off for the Mauritius since the commencement of 1838; but, perhaps, when they arrive at the Mauritius they will be allowed to land. This is interesting intelligence to the shippers here.

**ROADS.**—The new line of communication called the Burdwan and Benares road, commencing from Sulkea, even in its present unfinished state, is the best that has ever been travelled on in India. and when finished will indeed constitute a splendid testimony of the liberality of British rule. It was commenced upon in October 1832, is to be 340 miles long,—to cross over two ferries, the Ganges and the Soane, and seven fords,—the Bolance Modhur (two branches) Leela-gam, Mohanna and the Barakha twice—to have altogether 40 bridges and 600 drains. The road is 30 feet wide at the top,—the average height is three feet, but on the Ramghur Hills it is only one foot high,—and between them and the Ganges two feet. The cost may be estimated at Rs. 3,50,000. The line of road which it has been determined to construct between Cachar and Munnipore is fast progressing, and is likely to be soon completed, to the great convenience of the troops that may be required to advance for any military operations. The co-operation of the political authorities and the Munnipore Government are contributing greatly to facilitate the completion of that undertaking.

**ZEMINDARY ASSOCIATION.**—At four o'clock on the 25th ultimo, a second meeting of the zemindars resident at and about Calcutta, was held at the Hindoo College, at which Rajahs Kalikissen, Radhakant and Rajnarain, and Baboo Kamanauth Tagore, Prosonno Coomar Tagore, Ralinauth Roy and many other respectable native gentlemen, were present. The proceedings were conducted in Bengally, and Rajah Radhakant president in the chair. A resolution was passed for the purpose of calling a public meeting at the Town-hall which, our informant states, will take place in the course of the current month. Much enthusiasm was displayed by all present, and the formation of a society under the above name is now beyond a doubt.

**A NEW STRAND ROAD.**—Before long the inhabitants of this City of Palaces are likely to have a new strand road, as it is stated that Government has in contemplation the making of one. The alluvials on the banks of the river from Hautcalah down to their southern extremity, have already been surveyed, and it has been ascertained what would be the probable amount to be realized by selling them off. This our informant adds has been found to be sufficient to cover the expenses to be incurred by the measure.

**A NEW SOCIETY.**—A society is about to be established in Calcutta under the name of "The Society for the acquisition of General Knowledge." The projectors of it are certain native gentlemen famous for their extensive knowledge of English, and of unexceptionable character in every other respect.

**MR. CHESTER.**—It is said that Mr. Chester, has been appointed secretary of the Theatre, in *loco* Mr. Farmer, who retires.

**CULTIVATION OF TEA AT ASSAM.**—It is stated that the superintendent employed in the cultivation of tea at Assam, has recently furnished some samples to the committee, which on trial have been pronounced by that body, and the Government, to be sufficiently good to constitute a merchantable commodity. The only great difficulty which the Committee have to overcome is, to upon the most advisable means of package, securing it from the effects and changes of climate and landing it as fresh in England as it has been received by them. The lead which the Chinese use in the packing of their cases, is of a peculiar description, and some time must elapse before the native work men, however skilful they may be, are able to manufacture it.

**LEAVE OF ABSENCE TO UNCOVENANTED ASSISTANTS.**—The following rules have been drawn up by the Sudder Board of Revenue, for granting leave of absence to uncovenanted servants:

"1. If an uncovenanted assistant shall obtain leave of absence from his office for any period not exceeding one month, on a medical certificate granted by a medical officer of Government, and declaring that he is disqualified by sickness from attending office and performing his duties, he shall not be liable to any deduction from his salary.

"2. If his term of absence on medical certificate shall exceed one, but shall not exceed 3 months he shall be liable to a deduction of one sixth of his salary for the whole of the term of absence.

"3. If his term of absence on medical certificate shall exceed three months, he shall be liable to a deduction of one third of his salary for the whole of the term of absence.

"4. If he continue absent after the expiration of the six months, his salary shall altogether cease.

"5. If the head of an office shall see fit to grant to an uncovenanted assistant leave of absence on urgent private affairs, for any term not exceeding fifteen days, the assistant shall not be liable to any deduction from his salary.

"6. If the leave of absence granted to an assistant shall exceed fifteen days, but shall not exceed two months, he shall be liable to a deduction to the amount of one-third of his salary, for the whole term.

"7. If leave of absence shall be granted to an uncovenanted assistant for a period exceeding two months, but not exceeding three months, he shall be liable to a deduction of one-half of his salary for the whole time.

"8. If an uncovenanted assistant shall be absent on private affairs for a period exceeding three months, he shall not receive any salary for the whole term of his absence,

"9. In all cases of leave of absence granted to uncovenanted assistants, for a period exceeding fifteen days, it shall be competent to the head of the office to provide for the discharge of the duties of the absentee, by the appointment of a substitute, whose salary shall be charged in a contingent bill. But it shall not be competent to a collector to grant leave on private affairs for a period exceeding fifteen days, nor to a commissioner, or civil or session judge to grant similar leave for a period exceeding one month, without the sanction of the Sudder Board of Revenue or the Sudder Dewanny Adawlut of Nizamut Adawlut respectively, as the case may be.

"10. Fifteen days during the year shall be the limit to which leave of absence in private affairs shall be granted to any uncovenanted assistant free of deduction of salary.

**STABBING.**—About 10 o'clock on the night of the 4th instant, a European seamen wounded two Mosulmans in the Chitpore road, a little above the Laul Bazar thannah, one of them named Bucks-collah in the belly,

and the other in the breast. Both were taken to the Chandney Native Hospital, for medical assistance; but Bucka-oollah, died the next day, his intestines having protruded from the wound. The other man is out of danger. The circumstances were, that the aggressor and a companion of his had purchased some segars a little before, and a Bengally happening to throw the same down accidentally from the hands of the former, he ran after him with a knife in his hand, but could not overtake him, being much under the influence of liquor. The Bengally managed to get into a house and shut himself in it. The police then coming up to take the sailor into custody, he got more exasperated, and attempting to stab them, they were obliged to retreat. At this time the individuals in question were passing along the street quietly and were attacked by the inebriest. The case has been tried before the Coroner, and, in consequence of the witnesses not being able to identify the homicide, a verdict of wilful murder was returned against some person or persons unknown.

**DACOITY.**—A native arrived from Barasat, states that a dacoity had taken place in that zillah during the last week. About midnight the house of one Juggut Caunder, sircar, a resident in the village of Kankhara, pergunnah Hauliahahur, was stormed by a gang of dacoits who besides carrying off 600 rupees cash, and gold and silver ornaments, &c. to the amount of about two hundred rupees, inflicted severe wounds upon one of the inmates.

**SPORTING INTELLIGENCE.**—The veteran sportsman, Brigadier Showers, has given up racing, and his worthy jockey, Hall, is expected shortly at Calcutta, with twelve of the Brigadier's best horses for sale.

**THE CHITPORE ROAD WATERING FUND.**—We understand that the Government have directed a meeting of the subscribers to the Chitpore Road Watering Fund to be called without delay, for the purpose of determining upon the best mode of using the amount subscribed.

**GOOMSUR.**—Extract from a letter of Captain Campbell, dated Goomsur, 25th February, 1838 :

"I have been most fortunate in my late expedition among the wild *Konds* of Goomsur, and have rescued no less than *one hundred and three children* of various ages, who were intended for sacrifice by these barbarians, and that without the application of force:—these children are now at head-quarters, and form a most interesting group, happy such as were aware of their situation, in having escaped the fate which awaited them."

**THE PUBLIC LIBRARY.**—At the monthly meeting of the proprietors of, and subscribers to, the Public Library, on the 3d instant, a report was made of the number of new books purchased or presented during February, and of the number circulated in the course of the month. The latter amount to seven hundred and fifty-three. Seven new subscribers have been added to the list, and two have withdrawn on account of their leaving Calcutta; Mr. Cameron has presented *Rs* 100 to the vested fund, thus raising that fund to *Rs* 3443; and the whole return of the pecuniary affairs of the institution indicates a gradual and steady advance towards prosperity and permanence.

**CAPTURE OF DACOITS.**—Between nine and ten o'clock on the night of the 27th of February last, a gang of dacoits were captured at the ghaut of Gopeegunge, within the thannah of Culmeesjole. They were sixteen in number, and were noticed by the chokeedars of the place, on their crossing the *Damooda*. The chokeedars discovered that they were provided with arms of almost every kind. The chokeedars attempted to stop them,

but the number of the latter being greater than that of the former, they had very nearly succeeded in making their escape, when the chokeedars giving the alarm by beat of drum, many of the inhabitants of the village assembled, and by their assistance twelve of the ruffians were secured, together with their weapons. On investigation being made by the darogah of the division subsequently, it has transpired that the prisoners were all inhabitants of Calcutta, and it was supposed that they, perhaps being aware of *Rs* 2,000 being sent from thence to Mr. Watson's factory at Ghatal, were proceeding thither for the purpose of robbing that factory.

**OVERLAND MAILS.**—At a meeting of the Committee of the Chamber of Commerce on the 8th instant, it was determined to address the Government respecting the delay in the arrival of the Bombay dāk; and to urge the expediency of entertaining *extra* runners to convey the overland mail; the appearance of which at Bombay can now be calculated with precision.

It was proposed also, to request the Government to take measures, so that the communication with England *via* the Red Sea shall be continued without any interruption, even under the contingency of steamers being despatched to be Persian Gulph.

**GOVERNMENT CHANGE SHOPS.**—In order to do away effectually with the complaint so generally made of the difficulty experienced in obtaining change at the Government shops, and to prevent the extortion of the Bazar podars, both in giving and receiving change, the Government, at the recommendation of the mint-master, have come to the resolution of granting licences to individuals who will be furnished with pice from the mint, at the rate of 66 for the rupee, and required to retail the same in the market, at the rate of 64, thus getting two pice on every rupee as remuneration for trouble,—and yet give the public what is now only obtainable at the Government change shops. On the other hand parties desirous of obtaining rupees in change for pice at the licenced shops, will get one of the former by paying 65 for the latter.

**MURDER.**—A boy about seven years of age was murdered on the night of 27th ultimo, within the third division, by the paramour of his mother. A verdict of wilful murder has been returned against the assassin.

**NEPAL WAR.**—A correspondent of the *Hurkaru* hints, that there is a likelihood of a brush with our friends the Nepalese, who are now busily engaged in fortifying themselves.

**ASSISTANT ROAD-MAKERS.**—Government has been pleased to sanction a monthly salary of 200 rupees each, to Lieutenants Sale and Allardyce, of Engineers, and to any other officer who may be employed under Captain Guthrie, as an assistant in the construction of roads upon the eastern frontier. It is in contemplation to appoint, besides the individuals named above, other European agents: the extent of the road, the nature and probable donation of the work being such as to require this additional superintendence.

**MR. FARMER'S BENEFIT PLAY.**—The play for Mr. Farmer's benefit was a complete failure. The elements were most unpropitiously disposed towards the ex-secretary. The only part of the play that was effective, was the deluge, which was by accident, we suppose, not mentioned in the programme. The wind blew, the rain poured, and the waters covered the—interior of the theatre, and made the boxites fly for shelter under the seat of the gods.

**ACCIDENT AT GOVERNMENT HOUSE BY LIGHTNING.**—The Government House was struck by lightning during the

storm which occurred on the morning of the 30th ultimo. The lightning seems to have been attracted by the figure of Britannia on the top of the dome, or rather by the spear in her hand—which it shivered to pieces and threw down. The marks left by the lightning are visible on its broken point. After demolishing the spear it seems to have passed down the upper part of the dome and penetrated in some invisible manner into the Ball Room of the House in three separate places. It broke one pier glass and slightly injured two others, besides committing some other little damage, and then poured lower down, into the marble hall, from which locality it escaped in the same unaccountable manner in which it entered.

**NEW UNIFORMS.**—Printed circulars have been issued by His Excellency the Commander-in-Chief containing his new arrangements for the uniforms of the staff and regimental officers. Respecting the staff, there are great and not very gratifying alterations. Some departments now distinguished by the decorations of the blue cuffs and collar, are to wear regimental uniforms only. The members of the Medical Board are no longer to appear in plain dresses, but in the military habiliments of their rank, which according to the present arrangement, is particularly plain. Superintending Surgeons are merely distinguished from Staff Surgeons by the epaulettes, and all other departments are equally simple and plain.

**DEATH OF DR. TYTLER.**—Intelligence was received on the 27th ultimo, of the death of the celebrated Dr. Robert Tytler. The worthy doctor was, on his way to Gwalior, to confirm by personal observation an interesting scientific discovery which he believed he had made, when he was taken ill.

**CHOLERA.**—In consequence of the prevalence of cholera in some parts of Calcutta, a communication was made on the 28th instant, by the chief magistrate to the professors of the Medical College, allowing thirty rupees monthly allowance to such of the students as might be deemed qualified to treat cholera cases. The senior class, seventeen in number, immediately volunteered for the duty, on condition that their services were to be altogether gratuitous.

### MOFUSSIL.

**AGRA.**—The indications of rain have entirely disappeared without a drop having fallen. The most gloomy apprehensions for the fate of the spring crop prevail in consequence; and sickness has again broken out severely in this city.

Influenza has recently made its appearance in the station, but has attacked only a few of the residents.

Starvation to a fearful extent prevails in the city and suburbs. Scattered over the latter are found the bodies of persons who have dropped down and expired from absolute exhaustion through want of food.

There is a report that the post office department of the north western provinces, will be separated from that of Bengal, the Governor-General having discovered that the Calcutta branch know nothing of the department as in operation in these provinces.

Prince Sooleeman Shukoh expired on the morning of the 24th of February at the advanced age of eighty-two, and was interred on Monday at the Royal cemetery of Secundra. He was second brother of the late king of Dehlee, from whose court he retired some years since, and latterly fixed his residence principally at Agra. His only support was a pension of Rs. 6,000 monthly

from the Lucknow court, chargeable on the interest of the loan lent to Government during the Burmese war.

Several thousand persons are daily employed at and about the station, on works of public utility. One part is employed in directing the main stream of the river under the town—a large tank is about to be formed in cantonments in the large hollow near Messrs. Munro and Co's round which trees are to be planted. Trees have also been planted along the public roads though their repair seems in differently attended to. Another reservoir is about to be formed near the Session Judge's kutchery by throwing a dam across a large ravine in that quarter the bottom of which is below the level of the river. It is proposed to open a communication by means of pipes between it and the river by which the tank may be supplied or emptied at pleasure. This will add materially to the comfort of the town's people.

A number of persons supposed to have been concerned in the daring dacoity that took place at the Lohamundee, in October last, have been seized in the Juepoor district, near a village called Kutawlee, and been brought into Agra; they were traced to the spot, and a strong body of police were sent in pursuit—one of whom and a horse were killed in effecting the arrest of the gang.

**DEHLEE.**—So great is the scarcity of money in the Dehlee Treasury, that the King's allowance has been allowed to run in arrears for three months. The widow of the executed murderer Shumsodeen, has been awarded two lacs and a half of rupees out of her husband's property, being the amount of her marriage settlement.

**ALLYPOURH.**—A few slight showers fell in this district. Wheat is selling at seventeen seers per rupee, and gram at sixteen, a degree of dearness unprecedented in the memory of the oldest inhabitants.

**DINAPORE.**—A letter from Dinapoores, dated 23d ultimo, announces the arrival of the steamer, with Dwarkanauth Tagore and Capt. and Mrs. Cockerell on board. Dwarkanauth landed and visited the Deegah farm, and expressed himself much pleased with all he saw, but especially with the climate which he finds quite bracing.

**LOODERANAH.**—A camel load of old Sikh coins, in a very superior state of corrosion and illegibility, have just arrived here from Captain Burnes or Mr. Masson. They were collected in Peshawar, and are destined for the Asiatic Society.

**NUSSEERABAD.**—At Nusseerabad, much sickness prevails. Both smallpox and influenza are raging. Several gentlemen have been attacked by the former, while scarcely an officer in the cantonment had escaped the latter.

The Rajpootana division of artillery, under the Command of Major Pew, were inspected by brigadier Burgh, on the 31st ultimo. In the morning, they went through several manoeuvres with the light field guns, and afterwards fired, with great effect, grape, round shot, and shrapnell shells at a curtain, on the plain. In the evening, they exhibited their heavy battery practice, at which the live shrapnell, from guns and howitzers, were fired with very great precision, and the shells from the mortars were beautiful indeed, the fourth shell fired sprung the mine, though at a distance of twelve hundred yards, in grand style.

Brigadier Burgh quitted Nusseerabad on the morning of the 10th instant, on his annual tour of inspection or Beawr.

About the beginning of the present month, Lieut. Butler, of the 22d regt., one of the keenest sportsmen

at Nusseerabad, on foot, shot a large tiger a little beyond Rajghur, to the westward of that station, being the thirteenth tiger killed by this officer, on foot, since his arrival in that part of the country.

**A REFRACTORY CHIEFTAIN.**—The 39th and 49th regiments of native infantry, and the 4th local horse are ordered to march immediately from Neemuch against a refractory Chieftain of the Oudypore state, who resides at a stronghold, called Joora, 15 coss to the west of the city of Oudypore, in the heart of the *Bheel* hills and jungles.

The chief is said to have declared himself independent, and refused the payment of the usual tribute; and to be loud in protestations that he will not yield as long as his head remains on his shoulders.

Native exaggeration magnifies his followers to 20,000 men; and that the affair is of some consequence, may be gathered from the fact that the Deesa Force is expected to co-operate, from the west, with Marwar troops, from the east.

The theatre of operations is a *terra incognita* on our maps! but from the descriptions we have received of the proposed site of junction of our troops, it must be somewhere in the vicinity of Mount Abboo, which, if the contest be a all prolonged, as is not improbable from the nature of the country, and the character of the enemy, will thus be rendered a rather insecure sanatorium for the invalid officers and their ladies who have proposed passing the hot season on its summit.

**RAJPOOTANAH.**—Accounts from Rajpootanah mention, that the small-pox was carrying off numbers of the population of Mairwara, and the cantonments of Beawr in particular. Pallee was still suffering from the pestilence, and the town is now nearly deserted.

At Ajmere, Nusseerabad and Neemuch there had been a considerable quantity of sickness from colds, coughs, fevers, agues, small-pox and similar unwelcome, because unseasonable, maladies, which the *vox populi*, with one consent, lays to the charge of the air.

Whatever crops are raised in Rajpootana this spring will be entirely owing to irrigation; and the poor villagers affirm that to afford any return, each field must be watered eight or ten times. By constant labour at the wells a limited but oasis of cultivation now surrounds most of the villages in those parts, beyond which the boundless plains present an aspect of the most hopeless aridity! Travellers report, notwithstanding all this, that the agricultural state of Rajpootana, is considerably superior to that of the Doab.

**CAWNPOOR.**—A Field Officer has been put in arrest at this station.

**ASSAM.**—A report has been received by Government of a fire having broke out on the 6th instant in Goalparah, (Assam,) by which the whole of the cutcherry, treasury, and jail, and nearly the entire town have been consumed.

**KURNAL.**—A letter from Kurnal, of the 9th March, says that rain had at last fallen, and was turning the barren land into a fruitful plain.

#### NATIVE STATES.

**GALEER.**—The young heir to this guddes has expired, after a short passage through life of seven months. Grain is still at a famine price.

**SUTEPOOR.**—The Minas have been urged by the general

scarcely into the commission of numerous depredations within this state, which the Rajah has ineffectually attempted to suppress.

#### MADRAS.

**PRINCE HENRY OF ORANGE.**—Prince Henry of Orange, reached Madras on the *Bellona*, on the 1st instant, and was to have landed on the next day.

On the 13th ult. His Royal Highness Prince Henry of Orange, took his departure from our shores homeward bound, after having experienced and appreciated the hospitality and attention his high rank and mild and attractive manners so eminently entitled him to. He expressed himself much pleased and gratified with his visit to this presidency, which has, since his arrival, been a continual scene of gaiety.

**BURMESE WAR.**—It was lately stated that H. M. 63d regiment had been ordered over to Moulmein forthwith by the Supreme Government. Report has since stated further orders to have been received by our local authorities, for their holding four native corps available for prompt transmission of Rangoon in case of a necessity arising. This betokens a desire, however tardily aroused, to place our relations with the Court of Ava upon a less questionable footing than they have held since the usurpation of Tharrawaddie. The only matter for apprehension is, that the moment of decision may have arrived too late to effect the quantum of good desired at the least possible cost, — that the time shall have passed by when the idea of attack upon us might have been overawed, and we be, perhaps, left now to resist and overcome hostilities already commenced to our disadvantage.

**COLONEL NAPIER VERSUS E. F. ELLIOT, ESQ.**—The cause of Colonel Napier versus E. F. Elliot, Esq. for *crim con*, was heard in the Supreme Court on the 19th ultimo; the damages were laid at Rs. 50,000, and a sentence in favor of the plaintiff awarded 25,000.

**MELANCHOLY ACCIDENT.**—A melancholy accident occurred between 10 and 11 o'clock of the 9th instant, in the Government gardens. It appears that one of the antelopes made its way into the place where they were busy preparing the fireworks for the grand display. In attempting to drive him out, the animal overturned a lantern amongst the gunpowder, which immediately exploded, setting fire at the same time to all the fireworks prepared. Two unfortunate men, we deeply lament to say, were killed on the spot, two more were frightfully burnt and expired shortly afterwards, and two more received severe injury from the effects of this deplorable accident.

**THE HORTICULTURAL EXHIBITION.**—The Horticultural exhibition on the 24th of February, was not quite so fully attended as the one last year; but the show was excellent; and that part of it which was produced by market gardeners very far exceeded any thing before witnessed.

**NEWSPAPERS.**—The *Conservative* has been discontinued, and the conduct of the *Male Asylum Herald* has fallen into *Conservative* hands.

**THE MASTER ATTENDANT.**—This officer proceeded on board the *Bellona*, on the 1st instant, and on returning to the shore was met by a note from the Deputy Master Attendant recommending him not to land, as the surf was very high. The signal "there is too much surf to land" was also flying. He accordingly went on board one of the ships in the roads, where he remained until the warning signal was taken down, the surf having moderated. On the boat reaching the outer surf, it



was overtaken by an overwhelming wave which caused it to broach too, and believing that the boat would upset, Captain Dalrymple jumped overboard and was followed by the boatmen, by one of whom, or by a catamaran-man who was alongside, he was laid hold of and put into another boat which was at hand. The boat did not upset, and a peon who remained in it came safely on shore. Capt. Dalrymple when brought on shore appeared much exhausted, and has, we understand, since suffered a good deal from the effects of the accident.

### BOMBAY.

**THE BHEELS.**—It is said that the Bheels have mustered in some force to the northward, and that, in consequence, several companies of the troops stationed at Baroda, which have been out on detachment, have been ordered back to head quarters, that an attack might be concerted against the marauders. The Bheels are said to be pretty formidable in point of number.

**THE HYDERABAD RESIDENCY.**—The Hyderabad residency is, it seems, in want of an incumbent, although the appointment seems to be but little coveted by those to whom it has been offered, Colonel Alves has positively refused it, and the services of Major Sutherland have been most earnestly desiderated, but as yet without any prospect of success.

**KANDISH INDIGO.**—The indigo of Kandish is said to be in all respects, when properly manufactured, equal to the best that can be produced in Bengal. Several samples were sent to Bombay, and were considered to contain all the properties of the finest indigo. Some samples have been sent to London for a report as to their market value, and a most favourable one is confidently anticipated.

**NEW SCHOONERS.**—Two schooners are building in the port under instructions from the Court of Directors, which when completed promise to be perfect models of that mode of construction. The rivalry of the master builders of England is brought into play, the model on which one of them is to be built having been furnished by Sir Robert Seppings, and of the other by Captain Symonds. As these vessels are described, they will eclipse almost any thing of the kind which has yet appeared in our Docks, and are intended for running up and down the coast.

**ABOLITION OF TAXES.**—Among the other measures recently adopted by Government to improve the condition of the poor cultivators of the Conkan, a tax denominated "Ghur Puttee" or house tax has been abolished. This duty was peculiar to the districts of Rutnagiree and Vigiadoorge, and amounted to about three

thousand rupees annually, being one rupee upon each cultivator's house.

**INSTALLATION OF THE BISHOP.**—The Lord Bishop was installed on the 25th of February, according to the usual forms, during the performance of the forenoon service in St. Thomas' Church, His lordship was introduced in his stall, by the acting Archdeacon, the Reverend H. Jeffreys, and the acting Senior chaplain, the Reverend W. Ward, attended by Mr. Patch, Registrar of the Consistory Court; after which, the acting Archdeacon, addressing his Lordship, stated that he had the honor by order of the Governor in Council, to announce his Lordship as the Bishop of the Diocese of Bombay. Agreeable to the form of worship observed in cathedrals, the *jubilats Deo* was chanted instead of being rehearsed. After the communion service, the Bishop ascended the pulpit, and delivered his charge to the clergy.

**REAR ADMIRAL SIR CHARLES MALCOLM.**—It is rumoured in high quarters, that an order has been received by the *Berenice* for the supersession of Rear Admiral Sir Charles Malcolm in the superintendence of the Indian Navy. The appointment has been given to Captain Oliver, R. N.

**RELEASE OF THE DEWAN CHITNEES AND OTHER OFFICERS OF THE RAJA OF SATTARA.**—It stated upon high authority, that an order has been received from the Government of India, ordering the immediate release from their confinement of the dewan, chitnees, and other officers of the raja of Sattara, who have been so long detained in prison on the most absurd charges, trumped up against them and their master, the raja, by people of the most despicable character, and listened to without adequate inquiry by the Government of Bombay.

### BURMAH.

The last accounts from Burmah represent the state of affairs to remain precisely in the same state as they were when we last adverted to them. The *Rattle-snake* and *Diana* steamers, had arrived.

### CHINA.

By the *Ariel*, files of the *Canton Register*, and the *Canton Press* to the 27th of January have been received. The Chinese new year having commenced, business of all kinds was at a stand still. Although the deliveries of opium at Lintin were rather more brisk, there is no improvement in price, indeed the tendency is rather downwards. Old Patna is unsaleable. New has been sold as low as 540 dollars. New Benares, 490 dollars, and Malwa 410 dollars.

# THE CALCUTTA MONTHLY JOURNAL.

ASIATIC NEWS.

1838.

## RELIEF TO SUFFERERS OF THE UPPER PROVINCES.

Government appears, at length, to have taken into their most serious consideration the distressed state of the upper provinces, and are now administering very extensive relief in all quarters. At Agra, upwards of 25,000 people are employed; at Futtahgurh and Cawnpore a nearly equal number, and at other stations proportionate bodies. To so great an extent does this aid operate, that, in one district (Futtahgurh), we learn distress has almost entirely disappeared, and it is perceptibly diminishing in others. This extensive relief as far as we learn, is intended to be continued as long as it may be required, or until the means of Government are exhausted. To supply the latter, there is, we understand, a crore of rupees available, all of which Government are prepared to disburse, if necessary.\* In addition to these exertions there have been advances made to the resident agricultural classes, and a discriminative remission of revenue. Had, however, even a part of this extensive liberality been exhibited in the proper time, at the time we urged it, the aspect of the country would have been far different from what it is, and an earlier termination to the distress in all probability been provided for, than we can now look forward to. Had Government afforded assistance to the agricultural classes in November and December, to enable them to sow their lands and irrigate, much and lasting misery would have been prevented. By the late application of relief we have not only more misery to aid, but our assistance does not in any way tend to put an end to it, which aid earlier afforded would have done. Had we assisted the cultivators of the affected districts at the commencement of the season, the increase of produce, consequently, on the rubee crop would have materially ameliorated the condition of the country. But as we have managed, the very liberal aid we afford produces no effect beyond the day that passes over us; it operates in no way towards abridging the duration of famine, which now entirely depends on the late or early setting in of the rains. To that alone must we now look for effectual relief, and if it be late, the dead weight of feeding a whole people must prove unequal even to Government. Let all, then, look with confidence to their early appearance, and in that spirit subscribe liberally towards preserving the population through the intermediate period.

We have, as we said above, allowed the proper period to pass, when relief would have produced the greatest quantity of benefit—now an irretrievable error; but the question ought to impress Government with a sense of the imperative duty of considering how the country may, in future, be preserved from such afflicting visitations. In the present rude state of Indian agriculture, an untoward season must give rise to suffering more or less, and, until it is improved, we cannot effectually con-

tract these periodical famines that visit the country. But as wealth accumulates and the right of property becomes more fixed and definite, agriculture will improve, and the country be, to a great extent, preserved against the calamitous consequences of such seasons as the present. This improvement is not indeed advancing with very arid strides; but, while it is slowly, if imperceptibly approaching, much may be done by Government towards the same end,—we mean towards alleviating the distress caused by these failures. One important means for effecting this is even now being resorted to—we mean a reduction of the revenue, but whether to a sufficient extent, or not, is very doubtful. Adam Smith and the Economists lay it down as a rule, that on the proportion between the produce required to replace capital and revenue depends the general character of the inhabitants of a country as to industry or idleness. When the former is considerable and bears a large proportion to the latter, the funds for the employment or maintenance of productive labour are abundant, such as we see in England and all rich countries. Here, on the contrary, the produce required for revenue, bears an enormous proportion to that required to replace capital, and the consequence is, that there are not sufficient means for the employment of productive labour—the immediate cause of the present general destitution. There is no want of food but a want of money to purchase it, and this from the scarcity of employment, is beyond the command of the poor. To reduce the large proportion revenue bear to the produce required to replace capital, is one of those direct measures that can alone prevent, extensively, the disastrous effects of such seasons as those seasons which we know recur frequently. The produce required to replace capital is beyond all proportion small, and must be so as long as the demands of Government absorb nearly the whole of it. Such a system carries with it heavy and unceasing depression—it found the country poor at first and keeps it so; and, unless Government are prepared to make a present sacrifice of revenue, the distress around us will recur, in the same intensity with the recurrence of similar seasons, till time shall be no more. The charity of Government will be called for again, and again be granted, and the country having “got over” the famine, will be in the same state it was before or perhaps worse. Better than such charity were Government to reduce their revenue even by the amount of such charity, for small as it would be, it would, at least, generate slowly a better order of things; while the eleemosynary aid granted under the present system, is just sufficient to the day thereof. The new settlement now in progress, will, no doubt, materially improve the condition of the country;

† Not only does the amount of revenue operate against the non-employment of labour, but the universal belief that Government, even in untoward seasons, will exact the full amount of it, prevents the small capitalists from expending even a little of their funds in extra irrigation: liberally alone will dissipate this feeling.

\* Report has it that there are three crores in the General Treasury, two of which are to be reserved for contingencies such as a war with Burmah, or other places.

but Government ought to view the present national calamity, in connexion with the revenue remissions they are now making, if possible to increase them. Nothing but a diminution of it to some extent will save the country from the retrogression it must constantly undergo from untoward seasons. A second indirect cause of the quantity of unemployed labour in the country—the direct one of the distress—is a want of specie. A heavy drainage of coin has for some time taken place in the general mint for re-coinage, which Government have not been sufficiently active in replacing, by sending the new issue by their steamers, and opening the up-country treasuries, by granting drafts on them to parties drawing against their Calcutta consignments. This combined with an actual scarcity of food—not however amounting to a dearth—will account for much of the immediate distress. The attention, then, of Government should, in future, be more closely directed to preserving a due equilibrium between specie and the traffic of the country, for disturbed as it now appears to be, it aggravates the natural calamities of the seasons. To these and other artificial causes are clearly traceable, much of the misery now visible, for there is no actual scarcity of food. A want of labour is the immediate cause, produced by the combined operation of a too heavy revenue, want of proper confidence in Government, and scarcity of specie, as well, of course, by the almost total failure of the rain crops. The former must be removed by Government, and by their removal the country will be able to sustain, with comparatively slight injury, the latter.

Our Calcutta friends, we see, persist in imputing "ignorance" as they call it, to the Mofussil papers, for holding that Government ought to have interfered to

cause a lower price of grain. We have our volumes of Smith, Ricardo, Walthus, and others, and yet we maintain that Government should have done so. The principles of these philosophers would not exactly have suited the state of society in Utopia or Ell Dorado; and though this country does not differ so widely from the rest of the world, as these creations of the mind do, yet we contend it does so sufficiently to affect the application of many of the rules of political economy to it. Will the following anecdote, selected from a thousand, not show this? We know a rich grain merchant who is now selling wheat ten years old at thirty seers per rupee, and even at that price reluctantly parts with it. Now this wheat could not be sold at a remunerating price for, say, one rupee per seer, if we take into calculation the prime cost, interest, damage, &c. &c. Yet this is the usual practice of the trade, and it is to such the Calcutta papers talk of political economy. An English trader, for whom the science was framed, would manage these things somewhat differently. Again, had Government themselves imported grain in the commencement of the season they would have reduced the price of it, increased the quantity available for food, enabled consequently the zemindars to support more of their cultivators, and, above all, have proved to the country that they had its relief at heart—a feeling that would have inspired the villagers into making greater exertions, and sowing and irrigating more ground than they have. The Calcutta cockneys would, however, adhere to a science never intended for a people of whom they know nothing; and what has been the result? famine, death, disease, and crime to an appalling extent. But, *vive la Science*, come what may.—*Harkaru*, April 3.

## FURTHER PROCEEDINGS OF THE RELIEF FUND COMMITTEE.

CONTINUED FROM THE 6TH MARCH.

The committee of the fund for the relief of the distress in the N. W. Provinces request that the following memorandum may be published for general information.

The amount of subscriptions up to the 31st March, 1838, was .... Co.'s Rs- 87,570 1 8  
Of which had been paid into the Union Bank..... 73,002 4 11

It has been already notified that sums amounting in the aggregate to Co.'s Rs- 24,000 have been sent to the several distressed districts.

In addition to the above Rs- 200 have been forwarded to Culpes and 1,000 rupees to Kurnaul.

The following sums amounting to 40,000 rupees will be sent by to-morrow's post to the several stations named below:

Agra.....	10,000	Etawah.....	3,500
Cawnpore.....	5,000	Allyghar.....	4,000
Mynpoore.....	5,000	Futahghur.....	4,000
Culpee and Hamerpoor....	3,000	Muttra.....	3,500
		Delhi.....	2,000

The following circular from Agra and extracts from a communication from Cawnpore, while they forcibly demonstrate the necessity for continued exertion on the part of the community, shew, at the same, time how opportune is the aid which this fund has been able to afford.

Calcutta, April 2, 1838.

### PROCEEDINGS OF

An emergent meeting of the committee of the Agra

Relief Society, held at the house of G. J. Gordon, Esq., 5th March, 1838.

Present:—F. O. Wells, Esq., President in the chair, and Messrs. Gordon, Mansel, and Duncan, Rev. R. Chambers and Mr. Woollaston.

A statement of the accounts of the past month having been read, it was resolved:

I. That as the daily average of starving paupers for the last month (February) was 3,800, involving a monthly expenditure of Co.'s Rs- 2,483-12, and as this average during the present month is likely to be nearly doubled, with a prospect of future increase; and as the monthly subscription amounts only to Rs- 770, with about Rs- 3,000 at present in hand, an immediate and urgent appeal be made to the residents of Agra to increase their subscriptions, and that a statement of the funds of the society, and of this resolution, be printed and circulated to every station in this presidency not affected by the famine, as also to Madras and Bombay, requesting their assistance in furtherance of the objects of the society, and urging speedy remittances; the subscriptions to be appropriated to the poor collected in the city of Agra, which contains one-seventh of the population of the entire district.

The Agra Relief Committee in making this appeal to the residents of other stations, are aware that there are other parts of these provinces suffering almost to an equal extent with this district; but they deem it advisable to leave the residents of such stations to adopt their own measures, and make their own appeal to the charitable public; at the same time they beg to state, that they will be happy to be the medium of conveying any portion of subscriptions raised at other stations, to



(CASH EXPENDED.)		Rs.	As.	P.
Wheat or ghee on 242 maunds .....		636	13	8
Dall..... 20 ditto .....		62	9	11
Atta .....	20 ditto .....	62	3	3
Rice .....	1 ditto .....	4	7	4
Salt .....		3	1	2
Cash paid for baking .....		42	9	6
Ditto ditto to working paupers .....		23	13	9
Ditto ditto to orphan girls .....		10	12	0
Ditto ditto to monthly pensioners .....		21	0	0
Ditto ditto to superintendants and servants' wages .....		68	10	10
Ditto ditto for 74 blankets .....		34	11	0
Ditto ditto petty charges .....		15	2	11
<b>Total Co.'s Re-</b>		<b>985</b>	<b>15</b>	<b>4</b>

## APPENDIX—No. 3.

*Statement of persons relieved, and cash expended during the month of February 1838.*

(PERSONS RELIEVED.)		
1. Paupers receiving bread, dall, &c.		
Blind, lame, &c. men, women and children .....		14,420
Convalescents .....		2,639
Patients in hospital .....		2,831
Friends of the patients .....		5,632
2. Paupers receiving pice :		
Labourers working on the roads .....		3,080
Public beggars, purdesees .....		76,683
Pensioners .....		333
Overseers, servants, &c. ....		770
<b>Total rations in Feb.</b>		<b>1,06,388</b>

*Daily average of people, 3,800 fed.*

(CASH EXPENDED.)		Rs.	As.	P.
Atta..... 226 maunds .....		684	14	1
Wheat or ghee on 180 ditto .....		492	14	0
Salt..... 3 ditto .....				
Rice .....	2 ditto .....	19	6	10
Dall..... 2 ditto .....				
Cash to paupers .....		711	0	0
Ditto to bakers .....		49	5	1
Hospital charges .....		379	10	11
Rent of ground .....		6	0	0
Building walls and sheds .....		56	6	0
Eight pensioners for January .....		21	0	0
Superintendents and assistants' wages .....		49	0	0
Petty charges .....		14	3	1
<b>Total Co.'s Re-</b>		<b>2483</b>	<b>12</b>	<b>0</b>

M. W. WOOLLASTON,  
Secretary.

*Agra, 1st March, 1838.*

## RECAPITULATION.

Number relieved.	Cash expended.
1837.—Sept... 18,814 .....	Rs. 568 3 11
1838.—Jan.... 27,683 .....	985 15 4
" Feb.... 1,06,388 .....	2,483 12 0

*Extract of a letter from the Relief Society, Cawnpore.—"Though the Government has afforded a most*

important aid which has probably arrested in some considerable degree the downward course into which the entire population seemed at first to be rapidly falling, the private native benevolence has contributed, as I suppose, when their means and future prospects are considered, with much liberality to aid their distressed countrymen; yet it must be obvious to even a cursory observer, that ample scope remains for the intervention of those, who, at a distance, can only in faint imagination picture to themselves an outline of the sad reality.

I would wish to guard you from the mistake, supposing that the accompanying statement regarding the named pergunnas has any connexion with the immediate scene of operation, in which our committee are engaged, as all which we have within regarding Cawnpore is separate and distinct from it. As we have thankfully acknowledged your intended donation of Rs. 3,000 of which 500 has been transmitted to Mr. M. at Mendieghat, we shall probably need to retain the remainder of that sum to supply our wants here; but we can, with the aid of Mr. R., distribute any sum you may entrust to us with a view to alleviate the pressure which weighs so heavily in these pergunnas, ere the forlorn class which, on account of their extreme misery, is excluded, because unable to work, from Government employment.

It would, doubtless, be a great encouragement to these kind zemindars, when they find their most distant countrymen thus coming forward to their aid; and so far from their own endeavours being allowed to flag on this account, they would, doubtless; the more strenuously exert themselves as they would then have good grounds to hope that the final issue of their efforts would be successful.

*Extract from a memorandum enclosed in the Society's letter.*—"The distress in the western part of the district amounts to actual famine. No rain, with the exception of a slight shower in June, has fallen in Bethoor and Rupoalabad since March last. The country has since that time been a barren waste. During July, August and September, the usual period of vegetation, not a blade of grass even was produced. The cattle, scanty fed on the leaves of the trees, have died in hundreds. Villages become depopulated by famine and emigration, and at the present time immense tracts of arable land remain fallow, there being neither men nor cattle to cultivate the ground. Negatively relief was afforded by withholding the Government claims for revenue, positively charitable aid, by employment on the Grand Trunk Road, and in the district of Furruckabad, to which many resorted, by employment on its roads.

In some villages there were substantial managers between the cultivators and Government; the malgozars have, to this day, actually fed the cultivators: in those where the land is minutely subdivided, all being equally impoverished, have emigrated to the Saugor provinces, or sought for labour in the neighbouring districts. The Government authorized the issue of grain for land ploughed and ready for sowing: the soil will not produce without previous as well as subsequent irrigation, and neither cattle nor cultivation were left to effect any extensive sowing on such conditions."—*Hurkaru, April 4.*

## PROCEEDINGS OF THE LANDHOLDERS' SOCIETY.

At a meeting of the committee at the office of the society to Monday 2d instant, the following gentlemen were present:

Rajah Kallikissen Bahadoor, Kumar Sutt Churn Ghosal, Babooo Aushootosh Dey, Prosonnoomar Tagore, Mothooranauth Mullick, and Ramcomat Sen;

Messrs. T. Dickens, G. Prinsep, and W. C. Hatry.

Visitors—Moonshie Hosen Ali, Vakeel of Khaja Ali Mulla, zemindar of Dacca; Baboo Gangarain Roy, Mookiet of Ramrutton Roy Choudhry, and Lalmoohan Shams.

It was proposed by Baboo Prosonnoomar Tagore, that the following gentlemen be nominated additional

members of the committee, in conformity with the 15th rule of the Society, subject to the confirmation of the next general meeting.

Rajah Burrodacant Roy, Radhamadhub Banoorjee, Baboo Pronoth Chowdhoree, Callynauth Roy Chowdhoree, Mothooranauth Mullick, Sambhoochandra Mitter, seconded by Rajah Killikissen Bahadoor and unanimously agreed to.

The following gentlemen were proposed as members of the Society, and elected *nam. con.*

Proposed by Kumar Suttchurn Ghoshal and seconded by Baboo Ashootosh Dey.

Rajah Bijoy Govind Sing, of Purneah,

Proposed by Ramcomul Sen and seconded by Prosonocomar Tagore.

Mirza Mohamed Mehendy Muskey, Mirza Mohamed Mehendy Isphainee and Mr. D. W. H. Speed.

Proposed by Prosonocomar Tagore and seconded by Suttchurn Ghoshal.

M. Laroletta and W. Patrick.

The following table of distribution of several districts and sub-committees of correspondence was submitted to the meeting. Resolved, that the proposed distribution be adopted;

*A Table showing the distribution of Districts of the Lower Provinces.*

<i>The Land-holders' Society division No.</i>	<i>The Com. division No.</i>	<i>Districts.</i>	<i>The Name of the special corresponding numbers of the respective divisions.</i>
1	11	Behar Patna Saran	G. Prinsep, Esq. Baboo Ramcomul Sen.
2	12	Shahabad Bhaugulpore Dinagore Malda Monghyr Purneah Tirhoot	Kuma Sutt Churn Ghosal. Baboo Callynauth Roy
3	14	Beerbhoom Bogra Moorshedabad Pubna Rajshahiye Rangpore Backergunge Cachar Dacca	Baboo Prosonocomar Tagore. Rajah Kalikrishna Bahadoor.
4	15	Furzedpore Jyntea Mymensing Sylhet	Baboo Pronauth Chowdhorey. Baboo Sambhoochunder Mitter.
5	16	Chittagong Noakally Tipperah Durrung	Baboo Ramruten Roy Baboo Cossinauth Bose.
6	17	Gowalpara Kamroop Nowgong Barraset Burdwan East	Rajah Burrodacant Baboo Ashootosh Dey
7	18	Burdwan West Hooghly Jessore Nuddea Pergunahs 24	Rajah Radhacant. Moonshe Ammeer.
8	19	Balasore Cuttack Hidgelle Kherdah Midnapore	Baboo Mothooranauth Mullick. Baboo Radhamadhub Banarjee.

Resolved—That the secretary be requested to communicate the nominations of the several sub-committees respectively.

Read a letter from Rajah Radhacant Deb, enclosing an application from Mr. Thomson, soliciting the appointment of attorney to the Society.

Resolved—That it does not appear to the meeting the probability of requiring the assistance of a solicitor at present, and that the committee can make no engagement; but when necessary, due consideration will be given to Mr. Thomson's application.

Proposed by Prosonocomar Tagore, that the sub-committee for transaction of correspondence be appointed.

Proposition was seconded by Mr. Prinsep.

Resolved—That Rajah Kalikissen Bahadoor, Coommar Suttchurn Ghoshal and Ramcomul Sen, be appointed.

Proposed by Mr. Dickens,

That an honorary native secretary be appointed.

Proposition seconded by Rajah Kalikissen Bahadoor, Baboo Prosonocomar Tagore was appointed.

Moved by Suttchurn Ghoshal, that the subject of a petition from the natives of Bengal, referred to the Society by the secretary of the Dhurmo Subba, be taken into consideration.

Resolved—That the petition with the remarks made by Baboo Prosonocomar Tagore be submitted at the next general meeting.

Moved by Prosonocomar Tagore.

That the petition regarding the use of the vernacular language submitted at the last meeting, be discussed.

Proposed by Mr. Dickens, that an extra meeting of the Society be held at an early day for consideration of the question regarding the vernacular language and the resumption petition of the Dhurma Shubba.

PROSONOCOMAR TAGORE,

*Hurkarn, April 9.]*

*Honorary Secretary,*

## CORONER'S INQUEST.

An inquest was held yesterday at the residence of the Coroner, touching the death of *Dookoo*, a young native woman, resident of Choro Bagan. The deposition of Dr. Bain, the police Surgeon, declared, that on his dissecting the corpse, a quantity of yellow arsenic was found lodged therein, and he was borne out in the identity of the poison by Dr. O'Shaughnessy, who analyzed it in his presence. Dr. B. was of opinion that she died from the effects of the deadly drug in question. The examinations of the brother and sister of the deceased (the former being the person who first made mention of the untimely death of his sister to the thanadar of the division), shewed no evidence that the same was administered by any person, nor was proof deducible that she had taken it voluntarily. They also deposed, that the deceased and her husband lived very happily. They suspected no one of having administered the drug to their deceased sister.

The landlord and also a neighbour of the deceased, both corroborated the statements of the previous witnesses; the Coroner clearly recapitulated the evidence, and the Jury instantly returned a verdict to the following effect: "Died from the effects of poison, no evidence of her having taken it voluntarily, nor of its having been administered to her."

The Coroner took the deposition of the constable entrusted with the delivery of a summons to Mr. Charles

Marriott. The constable stated, that he delivered the summons to Mr. M. between the hours of 2 and 3 o'clock, at the Military Board Office, when and where he was informed by Mr. M., that having received a previous summons from the Sheriff to serve at the next sessions as a petit juror, he has relieved him from the obligation of performing the duty now required of him on Her Majesty's behalf by the Coroner! On the conclusion of the constable's statement, the Coroner very pleasantly remarked, that he did not quite understand the validity of Mr. Marriott's objection, as the next Sessions of Oyer and Terminer and Gaol Delivery opened on the 17th instant, and even if Mr. M.'s attendance was required on the Sheriff's summons for the next day, his obedience to the summons of Her Majesty's Coroner was imperative, and that he having written to Mr. Marriott to that effect, received his rejoinder, wherein Mr. M. presented his compliments to Her Majesty's Coroner, and desired to be excused complying with the present requisition as a previous and positive engagement, would prevent him from so doing, but he declared his willingness to attend on a future occasion.

The Coroner, after perusing Mr. M.'s reply, shewed the inconveniences this line of conduct engendered; but he did not intimate, what, if any, steps he intended taking to prevent a recurrence of similar proceedings.—*Herk.* April 9.

## MEETING OF THE AUSTRALIAN ASSOCIATION OF BENGAL.

*At a meeting of the members of the Australian Association of Bengal.*

Dr. J. Sawers in the chair.

1st.—Moved by Mr. Patrick and seconded by Mr. Pigou.

*Resolved*—That the report of the committee just read be adopted.

2d.—Moved by Mr. Pigou and seconded by Mr. Brae.

*Resolved*—That Messrs. Patrick and Cracroft be requested to put themselves in communication with Messrs. Carr, Tagore and Co. to sift the complaints of the passengers of the *Emerald Isle*.

3d.—Moved by Mr. Cracroft and seconded by Mr. Pigou.

*Resolved*—That the blame laid on the unpaid secretary in the passengers protest, addressed to Capt. Driver, dated at Madras, 16th March, 1838, is utterly unjust, groundless and undeserved. The supply of provisions having been left entirely to Messrs. Carr, Tagore and Co. the owners, and to Capt. Driver acting under their directions, the secretary having had nothing to do with it further than laying the samples sent by Messrs. Carr, Tagore and Co. before the passengers at a tiffin, where they were fully approved of.

J. Sawers, *Chairman*.

The meeting of the Australian association at the Town-Hall, last Saturday, was not very well attended: after the chair was taken by Dr. Sawers, the secretary read the following report of the committee:

*The second report of the committee of the Australian association of Bengal.*

Before entering upon the general affairs of the association, your committee feel themselves called upon

to explain the reason of their not having convened the regular quarterly meeting on the 31st December last. The disappointment of the first engagement for the *Juliana*, and the difficulty in finding a substitute delayed the departure of the first ship to a late period in December, when there was an immediate necessity to make fresh arrangements for the second voyage: this, with the secretary's other occupations, rendered it impossible for your committee to have met the subscribers as they intended with a statement of past operations, and made it expedient to delay the meeting till they were prepared with the accounts of both expeditions.

Your committee have had to content with more difficulty in procuring vessels on charter than they anticipated in the state of the market, and these difficulties were not overcome without great exertions and some personal sacrifice.

The first ship engaged by the association was the *Juliana* of 550 tons. The charter was already drafted and about to be executed, when it was discovered that the mortgagees in England had sent out powers to foreclose the mortgage and despatch the ship to England. This discovery put an end to the engagement, and made it necessary to look out for a new one. With the greatest exertions of your committee favoured by the low rate of freight, it was found impossible to procure a suitable vessel till the latter end of November, the costs of setting up cabins and accommodation between decks, which are rarely to be found in vessels occupied in the country trade being a sufficient discouragement to the ship owners of Calcutta, and ships owned in Europe, being for the most part restricted in their voyages.

The *Gallardon* of 400 tons, Captain Rapson, was at length, on the 30th November, engaged for the first

voyage at the rate of 4,000 rupees a month ; but being a country ship without cabins between decks, and those of the poop requiring to be altered, she could not be got ready for despatch earlier than the 16th December, although the most unremitting exertions were made by all concerned in the vessel, and so meritorious in particular were those of Mr. Gardyne, the chief officer, that your committee thought themselves bound to mark their sense of his labours by a gratuity of Rs- 300 which he richly merited.

The *Gaillardon* sailed on the 16th December, quite full of passengers and freight, and though your committee were disappointed in her capacity for cargo, it will be seen by the accompanying accounts that there is every probability of a surplus to the association on her charter. She was destined for Sydney, touching at the Swan, Adelaide, and Hobart Town, and, on her return voyage, at such ports as our agent at Sydney may require. Your committee have the satisfaction to state that letters have been received from the vessel dated 31st December, all well, and crossing the line with a fine breeze.

The *Babeo* was engaged for the second voyage of January, but not making her appearance in time to fulfil her engagement, your committee were again compelled to find a substitute, and, after much delay, were enabled by the kind and liberal assistance of Messrs. Carr, Tagore and Co., to secure the new ship *Emerald Isle*, of 500 tons, Captain Thomas Driver, at a freight of Rs- 5,000 per month. But again there was the same necessity of erecting cabins between decks, besides which she had to be new rigged and fitted in almost every particular and still greater delay was thus unfortunately inevitable.

The *Emerald Isle* sailed with a full cargo and passengers on the 25th February, for her first destination, Madras, for the passengers and convicts there, and her arrival at that place on the 16th instant is announced.

The accounts of this adventure are less encouraging than those of the *Gaillardon* ; but the measures by your committee to secure a return freight, will, it is hoped, cover the outlay ; the cause of this less favourable prospect is the addition of 1,000 rupees per month on the charter-party freight, and the lower rate procured on her dead weight, in consequence of unlooked for competition.

Your committee regret that the necessity of new fittings for both the vessels already despatched (which the failure of their previous contracts had made indispensable), was productive of much inconvenience to shippers and passengers, which was felt and complained of by several of the party on board ; they have further been blamed for despatching the vessel in a crowded state, and such was undoubtedly the case ; but they have little to accuse themselves of on this score, the fault having been, for the most part, with the passengers themselves, and the unusual quantity of their personal baggage, of which due notice was not given, and for which provision had accordingly not been made. The only alternative was to refuse admission to the baggage which would have given still greater dissatisfaction. They have, however, devised measures for preventing the like inconvenience in future, though they despair of entirely removing it. It is one that emigrant ships are necessarily exposed to more than others.

On the whole, notwithstanding the untoward circumstances above detailed, your committee congratulate the subscribers on the favourable commencement already made, and the prospect of increased communication with Australia which the example already set, appears now to hold out. The number of vessels advertised to sail to that part of the world is greater now than at any former period, and the inquirers for freight and passage, and for purposes of emigration, are increasing rapidly. Your committee are happy to say, that the vessels already despatched are fitted in all respects for

future voyages ; and there is every hope will be continued by the owners in this line of navigation.

Your committee beg to present the following accounts, viz.

The general account of the association with the secretary marked A.

Balance at credit this day . . . . .	Co.'s Rs. 12,029	2	3
And dependencies of . . . . .	29,774	12	8

And ditto, at debit . . . . .	32,500	0	0
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An account of the adventure of the *Gaillardon* with abstracts of freights, passage-money, &c. marked B.

An account of the voyage of the *Emerald Isle*, marked C.

A list of unrealized subscriptions, marked D.

A list of contributions to the donative fund, marked E.

The secretary also read a letter from the passengers of the *Emerald Isle*, and Messrs. Carr, Tagore and Co.'s explanations. Copies have been furnished to us for publication.

On board the *Emerald Isle*, off Madras, 16th March, 1838.

TO CAPTAIN DRIVER.

DEAR SIR,—We, the undersigned passengers per *Emerald Isle*, having understood from the words of the published prospectus of the Bengal Australian Emigrant Association, " that we should be furnished with an abundance of the usual sea supplies of the best description, beg to draw your particular attention to what cannot have escaped your own observation, viz. the very inferior quality of the greater part of the cuddy stores, and the utter unfitness of some of them for use, in hope that you will not leave Madras without taking such steps as may be requisite for remedying the serious evils we have to complain of. *Imprimis* we beg to complain of the rice, which from its inferior quality or newness has constantly caused sickness to those who have partaken of it, particularly the children. We have also to complain of the want of a proper oven and good flour, whereby the baker is entirely prevented from furnishing even the smallest supply of bread, an evil the more serious as the ship's biscuits are declared by all to be extremely bad, one kind being hard and sour and the other nevilly. The badness of the tea we are less inclined to dwell upon, as it may in part arise from the want of efficient means for preparing it ; although not disposed to swell our list of grievances by enumerating all the deficiencies of material and attendants, which last may arise from our confined cuddy not allowing of a sufficient number of servants, yet we must again draw your attention to the extreme inferiority of the wines and liquors, the best proof of the badness of the claret is, that a first taste has been sufficient for every person, the same remark in a great degree applies to the sherry, which is fiery and of the worst kind ; the brandy also has been found undeniably bad ; this is the more surprising, as an abundance for our small expenditure of good quality might have been procured in Calcutta at very moderate cost. The port wine appears to be some Calcutta manufacture ; the beer indeed is flat, and as it appears to be the least unwholesome beverage, it was, from the extreme badness of the wine, almost exclusively used, but only until a supply of portable beer was procured from an individual on board, when it became still more exclusively the sole beverage. We trust, therefore, that at Madras you will lay in a sufficient supply of drinkable beer, port and sherry or Madeira wine, with a few cases of French brandy, and such wholesome provisions as we may use without endangering our health, and that of our children, from the gross inattention that has existed in supplying the ship. Most of the passengers, as you must be aware, have hitherto



depended on their private stores for wine and spirits and biscuits, and some other small articles which we had every right to expect from the cuddy. We have observed that from the number of persons, horses, cattle stock, plants, &c. &c. &c. on board, the consumption of water amounts to nearly a butt per diem, but as we have already experienced the inconvenience of being on our allowance, we trust that some arrangement for an additional supply of this indispensable necessary will be made. We feel that there are several other points of which we might justly complain, but as we are satisfied that you have done all in your power to render our situation as comfortable as circumstances would admit of, we abstain from alluding to them. We must, however, advert to the water-closets with which the ship is fitted up; the vessel, we believe, is a new and strong one, and all these conveniences are recently up, but owing to haste or bad workmanship, or both, nearly all in the ship are so completely unserviceable, that we trust that you will get them set to rights before we proceed further on our voyage, as the cabins are already more closely packed than is convenient, and, as we think, steerage passengers should have room for their clothes, and that there should be room for the servants and passengers to pass along. We protest against the taking on board of any further parcels or packages, more particularly as the boats, rigging and decks are still so much lumbered with numerous packages of various kinds, and bales of hay, &c. &c.

We are, &c.

(Sd.) G. JORDON YEATMAN, M. D. (Sd.) W. F. BROWNE  
 „ C. F. M. MUNDY, „ J. B. GLEESON,  
 „ JOHN D. LOCH, „ C. CARDEW,  
 „ JOHN H. GLEESON, „ H. W. BELLEW,  
 „ H. M. BRÜCHER, „ Capt. B. A.

There are a few points, on which I am only imperfectly informed, but I subscribe to the terms of this letter generally.

(Signed) C. GRAHAM.

*Remarks upon the protest of the passengers of the EMERALD ISLE.*

Captain Driver was requested by us to give in an estimate of the full quantity of every kind of cuddy stores which might be required for such a voyage, and for thirty sitters at the cuddy table, being particularly chosen as a commander, because it was supposed that he understood this kind of thing better than others, who had no habitually carried passengers, and being instructed to do the thing in the best manner. He had no interest in this voyage in the passage-money, and having gone to Messrs. Payne and Co. to provide almost the whole of his stores, we are at a loss to understand why the articles should not be plentiful and of the best description, or how we could have taken greater precautions to secure the entire satisfaction of the passengers.

**The Beer and Wine.**—With regard to the beer and wine we selected them ourselves, partly from our own godown, partly from Messrs. Eglinton, McClure and Co., and musters of each were laid before the committee and fully approved. We may add, the same claret is still drank at the tables of many in Calcutta. The port was from Wardell and Co. and is highly approved; some good French brandy was also put on board by ourselves, and Capt. Driver carried also a small quantity of British brandy of his own.

**The Rice.**—We have searched through the bill to find who furnished the table rice according to Capt. D.'s estimate, but we do not find it in any of them, and it is not impossible that it may have been forgotten, and that Capt. D. has given the common ballum rice laid in for the lascar crew: we cannot explain this.

**Bread.**—There is no excuse for Capt. D. if he did not get the oven properly prepared. The flour provided was from Haworth, Harlman and Co. and not from Ahmuty and Co. as stated by mistake. The ship biscuits were from McCulloch's new bakery, the others from Payne and Co.

**Tea.**—Was purchased of Rustumjee, was of the first quality, as such as we use in our own families.

**Attendance.**—The same room and the same attendance cannot be expected in a ship of this class, as will be found in the large passenger ships running to England.

**Water.**—In a ship of this kind carrying so many persons and animals must be served out with care and upon allowance; a very full provision was laid in on purpose under concurrence with the committee as to quantity.

**Water closets.**—The Docking Company must be responsible to us for the bad filling of these machines, for we have paid immensely for the work, but some allowance must be for the extreme haste we were called upon to urge by the terms of our charter with the knowledge of the charterer.

CARR, TAGORE AND CO.

Other letters were read, and we have been supplied with extracts for publication. In respect to the crowded state of the ship, Capt. Driver writes from Kedgerree, "I perfectly agree with you in all and every particular respecting the crowded state of the ship; the passengers have brought such a large quantity of things that cannot go into their cabins, and the servants who attend them, such a number of chests, that the evil they complain of is their own act, and not the fault of any one but themselves."

Messrs. Carr, Tagore and Co. further explain in letters to the secretary:

"We have the pleasure of replying to your letter of his date, returning Messrs. Binny and Co.'s letter by stating, that we are replying to these gentlemen by this day's date, having received a similar letter from them, sending a survey report on both the port and claret held his day at our office, pronouncing them both to be sound and excellent, and calling for the descriptive marks of those landed at Madras which we observe in their report is not given," and in another letter from Messrs. Carr, Tagore and Co. "It will be sufficient perhaps, if we state, that after looking over carefully, we find that Payne and Co. supplied to Capt. Driver, under his own inspection, the greater part of the cuddy stores. The cabin biscuits and superfine flour was supplied by Haworth, Harlman and Co. and we sent herewith musters from the same batch of baking, for their boiler having burst, they have not been working since they date. The sherry was part of a batch received from Liverpool in bottles, excellent wine for immediate use, and the rest, a cask of Wardell's, bottled off by us on purpose: we put on board some good French brandy, and Capt. Driver also furnished some of his own British brandy which he stated to be superior."

The flour and biscuits alluded to in the above extract, was on the table and pronounced good by the meeting. Some observations were made on the unjustifiable step taken by one of the passengers, to deter the passengers, at Madras from proceeding on the ship, in writing off from Kedgerree to Madras without giving the parties attacked any opportunity of defending themselves, or correcting the mischief, and in the uncandid spirit of the protest addressed to Capt. Driver, in which no allusion was made to the public tiffin which, at any rate, would have shown that the committee were anxious to supply the ship with good provisions and wines and beer.

Extracts were read from the letters of two of the passengers who attended the tiffin, and who also signed the protest, written several days after they had been on

beardship. One of them says, "that they had every thing of the best and no stint, and they only wanted a little elbow room to be very comfortable." Another, after alluding to the tediousness of the passage down the river, "but at the same time as to the cuddy concerns we are very comfortable;" this is difficult to reconcile with "the first taste of the claret was sufficient for every person," for no doubt the claret was tasted during the seven days the ship was in the river, and had any complaint been made on this score the matter would have had immediate attention.

Some of the gentlemen at the meeting seemed to think that Capt. Driver was not altogether blameless; it appears he has left Madras without writing to the secretary or the committee, though one would have supposed from the existence of the complaints he would have made assents of reporting on the wines and liquors. Besides it is quite clear that he is responsible for not supplying the ship with bread and good tea, for neither his owners or the association would have seen to this.—*Hurkaru*, April 10.

## THE MOHURRUM IN CALCUTTA.

This festival concluded on Friday, the 6th, perhaps to the great satisfaction of those who have felt the impediments and inconveniences it has occasioned to the free transaction of business. In the city the effects of the festival are insignificant when compared to its character over the district. The Mohurram vacation continues for a space of fifteen days, during which the whole of the civil courts continue closed, and hardly a coin exchanges hands. Visit the courts and you find the benches of the judges empty; nothing but the platform and a few chairs appear, where the aumlah and the requisite corruptives practised their tricks. In the subordinate courts the gudees of the honest moulees display marks of the burthens they were obliged to endure. The magistrates' courts are merely nominally open, the nazirs look drowsy, and the sherishtadars and peshcars keep snapping their fingers for the want of lucre. To prove this picture, we recommend the curious to visit Allipore during the week.

Having pointed out the Mofussil inconveniences of the Mohurram, we shall now proceed to describe the manner of its celebration in the city. The preliminary *Matam* we shall pass over, and at once take the reader to the occurrences of the *Kuttel-ca-Raut*. We stood at the top of the Boitaconnah Road, and, at the distance of about a mile, descried a great light moving to the sound of music; as we approached closer, we heard a buz and a few steps made the words *Eah Hussein* quite audible to our ears. About two hundred shawls is flag-bearers, led the way, then followed the bearers of some colours on which the sufferings of the *Paigumburs* were inscribed in letters of gold and silver in the Arabic character. Next came the *Soonees* dressed in green muslin, and leading the second van we recognized Mirza Mhendhi Mishkey, supported by Hajee Karboli Mahommed and Mirza Mhendy Isphahaney. Two high caste Arabs

caparisoned in velvet and valuable coins, pranced proudly on with the funeral of their late illustrious riders. The horses were led by Aga Kazim and another Mogul gentleman, with whose name we are not familiar. The *sees* were attired in mourning. The procession was evidently imposing by the beating of breasts. Every thump came down in regular time, and the naked breasts of the penitents appeared not to have been dealt with in the most tender way.

The sound of drums next attracted our attention. The drummers preceded a mosque four stories high, of the Mosaic order. It was constructed of bamboos and ornamented with cotton of various colours. The *taj of Hussein* was suspended on the top. This belonged to the *dhonies*, or the cotton refiners of Burrah Bazar. Immediately after it followed another made of the same materials, but ornamented with tinsel and illuminated with blue light. It had five stories, one above the other, and was carried like a castle through the mass of people on the road. A little below Moullaly Durgah two bodies of men, comprising about 500 on each side, marched facing each other with *tejes* constructed of several shields. On inquiry we learnt that one party consisted of syces belonging to Cook and Co.'s stables, and the others to Hunter and Co., Hooker, and some other livery stable keepers. In a moment the scene was confusion, the men lost all possession of themselves, and, seizing every thing they found in their way, laid it thick and three fold on their neighbours. The police interfered, but to little purpose; for if the police had been a thousand strong, they would have had to contend with ten thousand mad men, as the dispute originated for room, and terminated with the sects *Sees* and *Soonees*. One of the combatants was killed and another seriously wounded, and the upshot was that Cook and Co.'s syces were obliged to give leg bail.—*Hurkaru*, April 12.

## AGRICULTURAL AND HORTICULTURAL SOCIETY OF INDIA.

A general meeting of this society was held in the Society's apartment, Town-hall, on Wednesday morning, the 11th of April, 1838.

The Hon. Sir E. Ryan President, in the chair.

Present:—Dr. Wallich; Dr. Stroug; Messrs. A. Colvin, G. A. Prinsep, Cracroft, J. P. Marcus, C. K. Robison, N. Alexander, A. Harris, and T. B. Kelsall; Lieut. Sibley, Messrs. T. Bracken, R. S. Strickland, F. T. Ferguson, R. Smith, E. Preston, D. Hare, G. Deane, R. S. Thompson, J. W. Masters, W. K. Ewart, W. F. Gibbon, H. H. Spry, A. H. Sim, and John Bell.

Visitors:—Messrs. G. C. Richardson and T. Hugon.

The proceedings of last meeting were read and confirmed.

The following gentlemen proposed at the last meeting, were elected members of the Society:

Geo. Palmer, Esq.; Major-General Oglander; F. L. Beaufort, Esq. C. S.; Thos. Bras, H. Fitzgerald, Geo. Osborne, N. Hudson, Esqrs.; and W. Dent, Esq. C. S.

The following gentlemen were proposed as members:

Dr. Jas. Morton, (senior assistant to the Com. of Arracan,) proposed by Capt. Bogle, and seconded by the secretary.

Wm. Bennett, Esq. (late of Demerara), proposed by Dr. W. G. Maxwell, and seconded by the secretary.

Wm. Agnew, Esq. proposed by Dr. W. G. Maxwell, and seconded by the secretary.

Munseram Bur Bahadoor, proposed by Capt. F. Jenkins, and seconded by Dr. Wallich.

K. M. Scott, Esq. (assistant surgeon Gowhatti), proposed by Capt. F. Jenkins, and seconded by the secretary.

Robert Campbell Esq., proposed by D. W. H. Speed, Esq., and seconded by the secretary.

Andrew Sym, Esq., proposed by A. Colvin, Esq., and seconded by the secretary.

Lieut. J. G. Gerrard (European regiment), proposed by C. K. Robison, Esq. and seconded by W. K. Ewart, Esq.

John Guilding, Esq. (late of St. Vincent's), proposed by the secretary and seconded by R. Watson, Esq.

G. C. Richardson, Esq. (late of Jamaica), proposed by the secretary and seconded by C. Dearie, Esq.

#### REPORTS.

Read committee's report on samples of cotton sent by Lieut. Burneh, of Mhairwarrah, on the part of Capt. Dixon. A sample from R. Davidson, Esq., the produce of the same place.

Referred to the committee of papers for publication.

Read report of the proceedings of the cattle committee, on the motion of the president made at last meeting.

The secretary had printed all the information already collected, and had sent copies to parties named in the report and to many others.

Resolved, that the replies when received be handed over to the committee for consideration and publication, if necessary, for the information of the Royal Asiatic Society.

Motions of which notice was given at last general meeting disposed of, viz.

Nos. 1 and 2 carried.

#### NOTICES OF MOTION.

No. 1.—Proposed by Dr. Wallich, seconded by Dr. Spry, "That, with a view to the advancement of agricultural knowledge and the development of the resources of British India, it appears desirable to extend the list of rewards and prizes already held out by the Society, by adding a number of others of a more specific nature, and that a pecuniary reward, not exceeding 2,000 rupees, nor less than 1,000 rupees, and the Society's gold medal, be awarded to the best practical agricultural treatise, founded on local experience, on any of the undermentioned subjects, viz. cereal grains, sugar, cotton, indigo, silk, tobacco, coffee, and dyes generally; to these may, perhaps, be added vegetable fibre gums and extracts and resinous substances, oils, caoutchouc, cochineal, with some modifications.

"The conditions of the above rewards will, of course, have to be considered hereafter in detail, it may not, however, be out of place to submit the following outline of them."

1st.—As to the time in which the treatises are to be sent in.

2d.—The successful treatise to be the property of Society, unless the author engages to publish in this country within — months, or in England within —; with an agreement to provide the Society, at cost price, with any number that may be required, of which timely notice to be given to the author.

3d.—The Society reserves to itself the right of rejection, without assigning any reason, restoring, of course, any treatise so rejected to the author.

4th.—The Society likewise to have the privilege of dividing the pecuniary reward allotted to any one subject between two or more competitors, who may be deemed to have equal claims to it, in which case the reward is to be computed at the maximum rate (of 2,000 rupees) and the gold medal presented to each of the candidates.

Motion, No. 2.—Proposed by Dr. Wallich, seconded by Mr. Bell, that a reward of ten rupees be given to Mr. N. Alexander's gardener for producing such fine artichokes.

Motion, No. 3.—Proposed by the secretary, seconded by Dr. Wallich, that a reward of five rupees be given to Mr. E. Preston's gardener for producing such fine parsnips.

Memo.—Both the artichokes and parsnips were highly approved of at the meeting.

From Dr. Wallich, dated 13th March, forwarding a small sample of indigo, sent down by Capt. Jenkins, manufactured in Assam by Mr. Grose, from a plant closely allied to the *Ruellia* plant.

From W. F. Fergusson, Esq., extract from a letter to the secretary, dated 7th April, presenting a small bag of indigo seed, gathered by Dr. Campbell on the banks of the Nile. Dr. Campbell describes the leaves of the plant as larger and looking richer than those of this country.

From Capt. Bogle, dated Akyab, March 8th, advising despatch of a sample of salt, together with several specimens of caoutchouc collected in the neighbourhood.

Promising to forward specimens of the several varieties of timber common in the district. Asks for supplies of cotton, paddy, &c. seed.

From Baboo Rajnarain Day, dated March 17th, presenting to the Society an "Essay on the Agriculture of Bengal," of which he is the author.

From Colonel Caulfield, dated Berhampore, March 9th, forwarding samples of Upland Georgia cotton, and Sandoway tobacco, produced in the experimental garden at that station.

From H. Cope, Esq., secretary Agricultural Society of Meerut, dated March 11th, advising despatch of samples of Upland Georgia, Egyptian, &c. cotton reared in their garden at that station from seed supplied by this Society. Asking for copies of the Society's transactions.

From the same, dated March 31st, intimating the despatch of cotton which was delayed, owing to the secretary being ill.

From Monsieur Perottet to Dr. Wallich, dated Kaitoe, Neilgherries, March 16.

Monsieur Perottet, who has published a treatise on the wild cochineal, assures Dr. Wallich, that the insect sent by Monsieur Richard to this society, is really the *fine cochineal*, called "*Mesteque*" or *grana fina*, and that the plant on which the insect arrived, is the true "*Nopal of the Castilians*."

Monsieur P. saw both at Bourbon, on his way to India, and begged of Mr. Richard to forward a small supply to him at Pondicherry, but they arrived when he was in the Neilgherries, and the native gardeners to whom they were entrusted allowed both the insect and plant to die.

Monsieur Perottet refers Dr. Wallich to Monsieur Delissert, a naturalist, for a corroboration of his perfect conviction, which he says, admits of no doubt, as to the insect being the true *grana fina*.

From Dr. Wallich, dated 23d March, forwarded for presentation to the society, on behalf of Captain Jenkins, a specimen of a sort of hemp called "Rheea," and a specimen of Indian corn grown by the Merts.

From the same, dated April 4th, presenting, in the name of Captain Jenkins, a copy of the fifth report of the Hon'ble Society of Cornwall, and a copy of the proceedings of the annual meeting of 1837, of the Royal Institution of Cornwall.

From the same, dated March 15th, enclosing a letter from Lieutenant Brown, forwarding a further supply of 900 Otaheite canes, from Major Sleeman's plantation at Jubbulpore. Annexing Mr. Master's report on the canes, shewing that they were all in excellent condition.

From Major Archer to Dr. Wallich, dated Bourben, forwarding four cases containing sugar-cane tops.

From Mr. C. N. Vallet, dated Cape Town, January 16th, in reply to secretary's letter of the 16th October last, on the subject of the society's annual indent for seeds, promises to forward the quantity ordered, so as to reach Calcutta by the middle of August.

From B. Hodgson Esq., dated Napal, March 13th, offering to forward a supply of red and white clonen seed, and asking for some fresh European vegetable seeds.

From Major Moore, dated Hyderabad, March 12th, advising despatch of four potatoes produced in his garden.

From R. Smith, Esq., dated March 22d, offering a few remarks on the domestication of the wild honey bee.

From H. Piddington, Esq., dated March 26th, forwarding for distribution a small quantity of dolichos, asparagus, beans.

From W. Brockman, Esq., dated Calcutta, March 28th, acknowledging receipt of seeds and the transactions of the society, and promising to be the medium of opening a correspondence between the Western Australian Agricultural Society and this institution.

From J. Vaughan, Esq., librarian of the American Philosophical Society, dated Philadelphia, October 13th, 1837, transmitting a copy of Part 2d, vol. 4th transactions of that society.

From Mr. Masters, forwarding ten seers of Egyptian cotton seed, and a quantity of Sorghum vulgares, and Persian tomato seeds, grown in the Society's nursery.

From the same, dated April 7th, enclosing a paper containing some remarks on the propagation of plants.

From J. C. Marshman, Esq., dated Serampore, March 23d, stating his inability from untoward circumstances, to continue the publication of the Society's transactions.

From the Rev. J. Thomas, superintendent of the Baptist Mission Press, to the secretary, dated March 27th, expressing his willingness to undertake the printing of the Society's transactions at a certain rate.

Capt. Hullock, of the *Donna Pascoa*, presented twelve casks and nine half casks of sugar-cane tops, which he brought from the Mauritius, but which excepting a few in the half casks, were all dead.

From lieut. Vetch, a chest containing caoutchouc, which comprised the condition of awarding the gold medal to that gentleman.

From Capt. H. J. Wood, samples of wool of the Jeypoor sheep.

From Dr. Campbell, a box containing a variety of agricultural productions of the valley of Nepal, adverted to in his letter of the 28th January.

From J. P. Marcus, Esq., a sample of wild cochineal collected by him in 1837, and a supply of *roosa grass* oil seed, with some living plants of the same.

From Mr. Waghorn, a case of Egyptian cotton seed, referred to in his letter to the Society of the 22d October, 1837.

N. B.—The produce of former supplies from Mr. Waghorn, having been favorably reported upon, and mistaken in one or two instances for *Sea Island* cotton, by good judges, those disposed to cultivate this cotton, are recommended to make early application.

From W. A. Harris, a small quantity of cotton grown in the Soonderbuns, said to be from *Sea Island* seed.

The American plough, so much spoken of at Bombay, and of which a model had been received, together with three spare shares and iron work complete, excepting the wood work.

The secretary had, with the concurrence of the agricultural Committee, disposed of two of these shares to Messrs. Lyall, Matheson and Co. for prime cost and charges, and had but the complete plough, as a pattern for the wood part, one share remains at disposal.

As Mr. Harris expressed a wish to make a trial of the complete plough, it was proposed by Dr. Wallich, seconded by the secretary and resolved, that the plough should be placed at Mr. Harris' disposal, on that gentleman engaging to give the Society the result of the trial.

Mr. N. Alexander submitted some very fine specimens of artichokes, produced in his garden.

Proposed by Dr. Wallich, seconded by Mr. Cracroft, that Mr. Alexander be solicited to favour the society, with a memorandum as to the mode used by him in cultivating his artichokes.

Mr. E. Preston presented a basket of very large parsnips, produced in his garden from Cape seed.

Dr. Spry presented a specimen of caoutchouc on behalf of Lieut. Wemys, of the Assam local battalion.

Mr. Owen J. Elias presented a bottle of arrow-root, made up to the usual process.

Read a note from Mr. Riddale, superintendent of the Bishop's College Press, enclosing an estimate of the expense of printing the society's transactions.

Resolved, that the secretary on reference to Mr. Thomas' terms of printing, be requested to treat further on the subject; and that the secretary shall make such arrangements with either Press, as he may deem judicious.

The secretary brought to the notice of the meeting, the suggestion which had been made by him to the committee of papers, in December last (*vide* appendix vol. 5, page 106), and which had not yet been sanctioned, *viz.* to have the monthly proceedings as published in the papers, circulated in the shape of a pamphlet, to corresponding and all similar institutions to members generally, and all others who take an interest in the objects of this Society. The secretary had already printed the proceedings of January, February and March, and now with reference to Mr. Marshman's estimate of the charge, wished the society to sanction the expense, as it would be the means of maintaining a constant and regular source of information.

The president observed, that this ought to be a regular motion, but, as the utility of the measure would be apparent to all, and the expense so trifling, he thought, if no objection was taken to it, the present meeting might dispose of the question to enable the secretary to print off the proceeding without delay.

Resolved *nem. con.*

The thanks of the society were ordered to be offered for all the foregoing communications and presentations.

JOHN BELL, Secretary.

Agricul. Society Office, Town-Hall, }  
Calcutta, April 11, 1838. }

[Harkaru, April 12.]

## THE STORM ON THE EIGHTH APRIL.

We have been very credibly informed, that the loss of life and property by this storm was very great. The loss stated at Kootghutta is above 250 lives, and all the way up the injuries have been of a dreadful nature. At Bycantopore and on to Ramnaghur in the 24-Pergunnahs the villages have been laid desolate, as more than 2,000 huts and several brick built houses have been levelled to the ground, burying under them from 3 to 4 lives each, on an average, a few of whom only lived to relate the fate of the other sufferers. Trees of 30, or 40 years' standing are now lying on the soil that once supported them. From the canal several large boats were raised to a height of about 30 feet and left on high land. The

boatmen became victims from the fall of the timber depôts on them, and the labourers who felt their habitations insecure, fell dead under the shower of hail. Those who escaped into houses met with a similar fate. Among the greatest pecuniary native sufferers are Buxoo, mistry, Ramchand Oully and Seebnath, buttachargee, to the amount of upwards of 30,000 rupees. The petty mahajuns are left penniless. Mr. G. Prinsep is, we also hear, a considerable loser.

In the Sunderbuns the loss has not been less great, from one quarter we heard of the destruction of a grain golah 80 feet long.

## FEARFUL LOSS OF LIFE.

We are just informed that 2 more villages of great extent at Gurreeah and Putterghutta, in the 24-Pergunnahs, have suffered more than the rest, men, women, and children have died without number and so has cattle of every description. Puckah houses and trees, have been torn up by their roots; as for huts, it would be impossible to count their number. The worthy magistrate of the 24-Pergunnahs have issued every instruction in his power for the relief of such as are left to tell the sufferings of their neighbours. Mr. Flood, the Supervisor, and his son, the Clerk attached to the magistracy, with a native doctor, have been sent to the spot to render every possible relief, and send on as many as possible to the Allipore Hospital. The removal of the dead, we are

informed, will be attended with difficulty, as the number is great. Mr. Patton is now exerting all the aid within his jurisdiction to make the relief as prompt as possible. We trust his exertions will be useful, as we suppose they will be. We know the local subordinate authorities will see that there is no excuse and will answer with him in this case; he ought to direct, all the European officers to the different divisions and desire them to represent every instance of procrastination as well as neglect. The joint magistrate of Barraset and the chief magistrate of Calcutta ought also to send out as much assistance as they have available, no time is to be lost in a cause so near us, and so much within our means to alleviate to the best of our power.—*Hurk, April 13.*

## BENGAL MEDICAL RETIRING FUND.

*Proceedings of the Second Quarterly General Meeting for 1838, of Subscribers to the "Bengal Medical Retiring Fund."*

At a quarterly general meeting of subscribers to the "Bengal Medical Retiring Fund," held at the Town Hall, Calcutta, at 4 o'clock P. M., on Monday the 9th April 1838, agreeably to section xix. of the Fund Deed,

*Present,*

Jas. Gregory Vos, Esq., M. D., in the Chair.

Frederick Corbyn, Garrison Surgeon, Fort William; Alexander Garden, M. D., Presidency Surgeon; H. S. Mercer, Marine Surgeon; John Grant, Apothecary to E. I. C.; Walter Raleigh, Assist. Genl. Hospital; H. H. Spry, M. D., Offg. Gar. Asst. Surgeon; and John Arnott, M. D. Assist. Surgeon.

The secretary read the proceedings of the last quarterly general meeting, and the following report of the proceedings of the committee of management during the last quarter.

## REPORT OF THE COMMITTEE OF MANAGEMENT.

*Medical Retiring Fund Office, 9th April 1838.*

The retirement from the service from the 1st March 1838, of Surgeon Thomas Munro, M. D., having been announced in Government general orders, dated 26th February 1838, he has been admitted to the

5th annuity for 1838 from the date of retirement. His annuity is payable by the fund agents in London.

Since the last quarterly general meeting the prescribed affidavit of age from Mr. Superintending Surgeon Geo. Gunning Campbell having been furnished, and his retirement from the service announced in Government general orders date 12th March, ultimo, he has been admitted to the 6th annuity for 1833 from date of the general order. This gentleman's annuity is also payable by the fund agents in London.

Mr. Surgeon John Turner (whose application for admission as a subscriber was circulated for the votes of the subscribers with the secretary's letter of the 23d December last) having been admitted by a majority of votes of 127 (8 being against his admission) declared his intention to accept the only remaining annuity referred to in the committee's last quarterly report (para. 8th), and his retirement from the service from the 1st March 1838, having been announced in Government general order dated 12th March, ultimo, he was admitted on the 1st annuity of 1834. This gentleman's annuity is payable from the treasury of the East India House.

The committee of management beg to notice that the following investment of realizations since May 1837, has been made by the sub-treasurer of Government at 6 per cent. Treasury notes under the orders of Government dated 20th February 1837, and the arrange-

ment communicated in the committee's quarterly report dated 10th April 1837.

Treasury note No. 1, dated 1st May 1837, for Co's Rs- 14,582 10 4 being amount of receipts during May 1837.

" No. 2, ,, 1st June. ,,	14,428 13 0 do. do. June.
" No. 3, ,, 1st July. ,,	9,572 12 0 do. do. July.
" No. 4, ,, 1st Aug. ,,	16,470 11 0 do. do. Aug.
" No. 5, ,, 1st Sept. ,,	16,991 7 0 do. do. Sept.
" No. 6, ,, 1st Oct. ,,	6,828 10 0 do. do. Oct.
" No. 7, ,, 1st Nov. ,,	10,190 3 2 do. do. Nov.

#### Co's. Rs- 89,065 2 7

The assets of the fund since its establishment up to 30th April 1837, continue uninvested owing to the account of interest required by the committee on the 3d October last, not having been yet furnished.

The receipts since last quarterly meeting are as follows:

In January 1838 .....	Co's Rs- 8,362 12 7
In February 1838 .....	33,393 8 8
In March 1838 .....	9,682 0 9
	51,438 5 0

Deduct charges for the same period

Secretary's establishment, Rs- 750 0 0

Printing and advertizing

charges .....	198 10 0
	910 0 0

Net receipts, Co's. Rs- 50,489 11 0

The state of the poll for the election of two managers in the room of Messrs. A. R. Jackson and C. C. Egerton, gone out this year by rotation, is as follows:

For T. Smith ..	38	For H. H. Goodeve...	13
" S. Nicolson ..	10	" J. G. Vos .....	8
" J. Grant ..	68	" W. B. O'Shaughnessy.	11
" J. R. Martin ..	20	" W. Findon .....	8
" W. Cameron ..	8	" J. Innes .....	6
" J. Colvin ..	7	" B. Wilson .....	1
" G. Craigie ..	24	" G. Angus .....	15
" D. Stewart ..	18	" C. C. Egerton .....	55
" W. A. Green ..	3		

The majority of votes appearing in favour of Messrs. John Grant and C. C. Egerton, the first was declared elected, and the second re-elected as managers to fill existing vacancies.

A majority of subscribers having declared for a reference to a professional actuary for opinion as to the basis of the fund calculations, Dr. A. R. Jackson (who has proceeded to England), has been empowered to consult one on his arrival in England, and furnished with a bill of exchange for £50 as the actuary's fees. The instructions furnished to Dr. Jackson are contained in the following resolution passed at the monthly meeting of the committee of management, held on the 29th January last.

**Resolved**—That Dr. Jackson be furnished with a bill of exchange on London for £50, to defray expenses of the reference; that a printed copy of the original rules of the fund as drawn up by the central committee of Agra, and a copy of the same as revised by the committee of management of Calcutta, as also a copy of the fund-deed, together with a pamphlet containing "Plans and documents connected with the proposed Medical Fund published at Agra in 1832, by order of the central committee," and a copy of the proceedings of the quarterly general meetings held on the 30th October last, and 8th January, instant, be put up under cover and delivered to Dr. Jackson. From these documents the Actuary will receive precise information as to the views and objects of establishing the Medical Retiring Fund, and he can determine whether or not the current sub-

scriptions of each year, without a separate permanent fund, are sufficient to continue from year to year the grant of 6 new annuities, besides maintaining the liabilities for annuities already on the fund. Should it appear, on investigation, that the current subscriptions even at the maximum rate are insufficient to support this double liability, the actuary is required to suggest such modification as will, consistently with the principles and objects of the fund, make it equal to its engagement, and at the least possible cost to the subscribers, having in view that no gains are required beyond covering liabilities, and meeting the expense of management. The present object of the fund, it will be seen, is, to give 6 annuities, and to grant to all annuitants during life £300 per annum, on their contributing, by subscription, or purchase the half value of such annuity, calculated at 6 per cent. per annum according to the probabilities of the duration of human life at Northampton, according to Dr. Price's table. The current contributions, therefore, unaided by any accumulated capital, are not only to provide for six annuities, but to keep up, under provision of section xxxvii. of the fund-deed, an annual credit to "APPROPRIATED FUND," equal to the value of annuities at the ages of the existing annuitants, according to the rates specified in table annexed to section xliii. of the fund-deed.

All information as to the probability of human life in India can be readily obtained by reference to Mr. Christie, actuary of the London branch of the Universal Life Assurance Company, as that gentleman has recently prepared for that office tables of rates of premiums payable in India, from data obtained from Captain H. B. Henderson's tables of mortality printed in the *Asiatic Researches*, volume XX., published by the Asiatic Society of Bengal. Rates of subscriptions to the fund not being regulated by age but from official rank, and standing in the gradation list of the medical service, the income of the fund can be determined by ascertaining at the India-house what is the regulated complement of the medical service in each grade when complete. It is understood that an augmentation of the medical establishment is contemplated, and every information connected with such augmentation may be obtained by reference to the India-house, Leadenhall-street, London.

The committee received a requisition from seven subscribers at Cawnpore, dated the 20th January last, suggesting that the rates of subscription be raised to the maximum amount, and subscribers in arrears called upon to liquidate. The requisitionists were informed in reply, that, as the collections of the fund at the present rate of subscriptions with arrears under recovery, will be sufficiently ample, it is expected to offer more than the regulated number of annuities this year, and probably more than there will be applications for, as anticipation of the boon being granted induces some to defer acceptance of the annuity until result of the memorial praying for the boon is definitively known, the committee did not deem it expedient immediately to raise the subscriptions. The present, however, would be a favorable opportunity to have an accumulated fund from maximum subscriptions, which would go a great way to absorb the annuities now in arrear: but as the committee conceive that the measure of raising the subscription will not be generally acceptable, they feel reluctant to adopt it, until the collection of arrears and subscriptions fall short of the amount required to give six annuities. Every exertion is making to collect the arrears due from subscribers, and the committee are happy to communicate that the call is readily reciprocated to by those in arrear.

The following resolution fixing a graduated scale of penalty for all future admissions is now in circulation for the vote of subscribers.

**Resolved**—That, as the admission from the medical list as it now stands, of new members to the Bengal

Medical Retiring Fund so many years after its formation, gives advantages to such new members over the earlier supporters of the fund, in having avoided the Tontine risk incurred by the latter, all persons applying for admission as subscribers to the said fund, or who are not actually subscribers this Wednesday, 28th February, 1838, shall, previously to their application for admission [in the conditions of section iii. of the fund-deed] being circulated for the votes of the subscribers resident in this country, pay as a penalty for the exclusive benefit of the fund [but to be re-paid to the applicant should he be rejected by a majority of votes] a sum of money equal to one moiety of his arrears of subscription, to be calculated in the first instance from the 1st January 1833 to the date of his application, and on the second, from the date of his application to the date of his actual admission as a member, to be decided by the committee of management of the fund, after due examination of the votes of the members residing in India, such amount of penalty to be according to the rank of the applicant, as provided in section iv. of the fund-deed, or the annual sum according to the following table; and that such applicant or applicants shall also pay the expense of printing and circulating the reference for his or their admission previous to the result of votes being declared.

Annual penalty to be paid on admission reckoning from 1st January 1833 to date of admission:

Members, or officiating members of the Medical Board.

Co.'s Rs. 768 0

Superintending surgeons, or officiating supgt.

surgeons..... 512 0

Surgeons..... 179 3

180 Senior assistant surgeons on the medical graduation list..... 102 6

60 following on the list..... 64 0

Remaining assistant surgeons..... 38 6

The following of the poll this day on the preceding resolution is as follows:

For..... 110

Against..... 4

Majority for the resolution..... 106

A suggestion to the above effect was received from Dr. T. C. Brown, 74th Regt. N. 1. and other subscribers at Nusseerabad, in a letter dated 16th February last, a few days after the preceding resolution had been passed by the committee.

The state of the poll for the election of Mr. Surgeon W. Dyer and Assistant Surgeon Alexander Smith, M. D. as subscribers is as follows:

For..... 151

Against..... 5

Majority for admission..... 146

The above gentlemen are accordingly elected subscribers, making three admissions, including Mr. John Turner since admitted as an annuitant, during the past quarter as subscribers.

There has been no accession of members during the last quarter by new arrivals from England.

The committee announce the undermentioned casualties by death during the past quarter.

List of casualties among members ascertained since last quarterly general meeting held on the 8th of January 1838.

Date of casualty	Surnames.	Baptismal name.	Rank.	Where.
19th Feb. 1838	Todd, Tyler, M. D.	John M. Robert,	Surgeon ditto	Calcutta Within a march of Gwalior.

During the past quarter applications to become subscribers have been received from Assistant Surgeon T. W. Burt, and Surgeons N. Wallich and James Hutchinson, which are now in circulation for the votes of subscribers.

The state of the poll this day for the admission of Dr. Wallich and Mr. Burt, is as under:

For Dr. Wallich... 95 For Mr. Burt..... 100

Against ditto..... 19 Against ditto..... 13

Majority for ..... 76 Majority for..... 87

The committee have received intimation in officiating secretary Lieutenant Colonel Stuart's letter, dated the 12th ultimo, that the Hon. the Court of Directors, in their military letter, dated the 2nd December last, decline to depart from the rules limiting the number to three annuities of each year, payable through their home treasury, in favor of the committee of management's request, preferred through the local Government on the 30th November, 1836, that payment of all six annuities granted annually from this fund be paid from the Company's treasury in London, to obviate the necessity of employing private agency. The committee have made arrangements with the house of Sir Charles Cockerell, Bart. and Co. of London (who have been appointed agents of the fund as communicated in quarterly report of the 10th October 1836) to pay the remaining three annuities, so that no disappointment or irregularity in receipt of annuities shall occur to the annuitants, who will not receive their annuity at the India-house. Of the six annuities granted by this fund annually, those certificates numbered 1 to 3 each year will be paid at the India-house, and those numbered 4 to 6 by the agents of the fund to London.

The sum of sicca rupees 87,948 0-0, or Co.'s Rs. 92,851-3-2 has been transferred since last quarterly meeting from credit of the fund to that of APPROPRIATED FUND under provision of section xxvii. of the fund-deed, being the value of the annuities granted to Superintending Surgeon Geo. Gunning Campbell and Surgeons John Turner, and Thomas M. Munro, M. D.

By order of the committee of management.

Geo. Hill, Secretary, M. R. F.

**Resolved**—That the report of the proceedings of the committee of management for the past quarter just read, be confirmed and adopted.

**Resolved**—That in consequence of loss having accrued to the fund from difficulty of recovering arrears of subscriptions from the estate of lapsed members, the committee of management be requested to represent the matter to the Hon. the President of the Council of India in Council in the hope of the authority of Government being issued, authorizing pay-masters and other disbursing officers to deduct monthly the amount of subscriptions from the pay abstract of all subscribers to the fund in every case the same as is done in respect to the Orphan Fund subscription.

**Resolved**—That as it appears that some few members of the Medical Service who, although they have intimated their desire to become members of the Medical Retiring Fund, have not formally signed the fund-deed either in person or by attorney, and have not continued the payment of the subscription, the secretary to the fund be directed to inform such gentlemen that the provisions of rule viii. will be strictly acted up in their case unless they immediately sign the fund-deed, in due form, and continue their contribution to the fund.

Dr. Grant submitted to the meeting a memorial that he had altered from one drawn up at Agra, reiterating the prayer of the medical service to the Hon'ble the Court of Directors of the East India Company that the boon granted to all the departments of the army for

pension according to length of service instead of rank, be extended to the medical service.

*Resolved*—That the secretary to the Medical Retiring Fund do circulate to the several superintending surgeons the amended draft of the memorial just submitted by Dr. Grant, with the request that they take the sense thereon of the medical officers in their respective divisions of superintendency, and communicate the result for the information of the committee of manage-

ment to enable them to draw up the necessary memorial for signature of the medical service for transmission home through the Supreme Government by the earliest opportunity.

*Resolved*,—That the thanks of this meeting be voted to Dr. Vos, for his conduct as chairman.

(Signed) JAS. GREGORY Vos, M. D. Chairman.

Hurkaru, April 14.]

## UNION BANK.

A special general meeting of proprietors was held this day at the Bank, pursuant to an advertisement by the directors under date the 24th ultimo on the requisition of 32 proprietors, for the purpose of considering certain propositions for increasing the capital stock of the Bank from forty to eighty lacs of rupees.

On the motion of Mr. Holroyd, chairman of the directors, and seconded by Baboo Neelmony Mooteeloll,

Mr. A. F. Smith was called to the chair.

The following resolutions were then moved by Mr. Dickens and unanimously agreed to :

1st.—Moved as above, and seconded by Mr. Parker, That the present capital of the Bank be doubled by raising 40 lacs of Company's rupees, by the addition of 4,000 shares of Company's rupees 1,000 each, so as to make the capital of the Bank 80 lacs in all.

2d.—Moved as above, and seconded by Mr. Holroyd, That the share be distributable among the proprietors rateably, and in proportion to their present interests.

3d.—Moved as above, and seconded by Mr. Vint, That the sum of at least 10 lacs, or 1,000 shares, be payable in cash, every six months, the first payment to be completed at latest on the 1st January 1839, the second by the 1st July 1839, and so on.

4th.—Moved as above, and seconded by Mr. W. Ferguson, That each proprietor be bound to take up and pay cash for one-fourth of his additional interest in complete shares, on or before the 31st December, and 30th June of each year, during the period of two years from the 1st July next, provided that no fractional parts of shares be allowed to be taken up, and that such shares, as cannot be taken pursuant to the terms of this and the 3d resolution, be sold by auction on or about the 15th

February, and August, after each half yearly period, for the benefit of proprietors not taking up or obtaining new shares.

5th.—Moved by Mr. Clarke, and seconded by Mr. Mackilligan, That, notwithstanding the above resolutions, each proprietor have the option of taking up all or any portion of his new shares, immediately, or at any period on paying for the same in cash.

6th.—Moved by Mr. Dickens and seconded by Mr. Cragg, That parties on paying for the new stock shall receive dividends *pro rata* from the quarter day next ensuing the payment.

7th.—Moved by Mr. Dickens and seconded by Mr. H. M. Parker, That, notwithstanding the above resolutions, such extension of time as the directors may deem necessary, be allowed to absentee proprietors, or in any special cases.

8th.—Moved by Mr. Clarke, and seconded by Mr. Richard Walker, That the issue of bank notes shall be limited to one-fourth of the paid-up capital.

Moved by Col. D. McLeod, C. B., and seconded by Capt. Ousely. That the thanks of the meeting be given to the chairman.

In pursuance of art. 68, of the bank-deed, a general meeting of proprietors is called on Saturday, the 19th May, at noon, for the special purpose of confirming, or otherwise, the above resolutions passed at this meeting.

By order of the directors,

JOHN STORM,

Actg. Secy. to the Union Bank.

Union Bank, the 14th April, 1838. [Hurk. April 16.]

## PROCEEDINGS OF THE LANDHOLDERS' SOCIETY.

At a meeting of the committee at the office of the Society, No. 3, Clive Street ghaut, on Monday, the 9th instant, the following gentlemen were present :

Rajah Radhakaunt Deb Bahadoor; Rajah Burroda-caunt Roy; George Prinsep, Esq.; Baboo Prossono-coomar Tagore; W. C. Hurry, Esq. and T. Dickens, Esq.

The following gentlemen proposed in the last meeting were elected unanimously :

Rajah Bijyogobind Sing of Purneah; Mirza Mahomed Mehendy Muskey; Mirza Mahomed Mehendy Is-pahani; D. W. H. Speed, Esq.; M. Larruletta, Esq. and W. Patrick, Esq.

The following gentlemen were proposed as members of the Society :

Proposed by Baboo Prossonocoomar Tagore, and seconded by T. Dickens, Esq.

Thomas Tweedie, Esq. junior, Harepore Factory Jessore; C. A. Cantor, Esq. of Messrs. Cantor and Co.; W. R. Logan, Esq. of Mymensing; Chuckooram Sing, a zemindar of Hooghly district; Joykisson Mookerjee, a zemindar of Hooghly district; the Rajah of Tipoorah, by Geo. Hewitt, Esq.; G. M. Dewan Mahomed Ally, by Ramsuntoo Day, Mooktiar; Sibjoy Tagore, by Gungadur Burmen, Mooktiar; Gourkisson Roy Chowdhory, zemindar of Atkadpoor Machakhal, by Gooroproosud Doss, Mooktiar; Moonshy Delabally, by Cummolectant Dutt, ditto; Cally Comul Roy, zemindar of Doorgapoor, and Cally Prossaud Roy, zemindar of the pergunna Neabad, by Brojokissore Singh, Mooktiar.



Read a letter from Moonahy Ameer, ditto from Rajah Kallykissen Bahadoor, ditto Ramcomul Sen, ditto Baboo Sumbhochunder Mitter, and ditto Rajah Rajnarain Roy; expressing the reasons of their not being able to attend the meeting.

Passed a list of requisite stationery and furniture.

Resolved, that the letter of the Rajah of Tipoorah and other zemindars of that district be answered.

W. COSS HURRY,

P. C. TAGORE,

*Hony. Secretaries.*

*Proceedings of a meeting of the committee held at the Society's office, No. 3, Clive Street-ghaut, on Monday, the 15th instant.*

**PRESENT:**

**Committee.**—Rajah Radacant Deb Bahadoor; Rajah Kallykissen Bahadoor; Coor Suttachurn Ghosaul; Baboo Prossonocoomar Tagore; Baboo Ramcomul Sen; Baboo Ramruten Roy; G. A. Prinsep, Esq.; W. C. Hurry, Esq., and Moonahy Ameer.

**Members**—Baboo Bissonauth Muttyloll, and Baboo Ohhoychurn Banerjee.

**Visitors.**—Baboo Nilmoney Muttyloll; Baboo Gobindchander Muttyloll, and Baboo Pooron Sing, of Shahabad.

The following gentlemen were proposed as members of the society:

Proposed by Coor Suttachurn Ghosaul, and seconded by Rajah Kallykissen Bahadoor.

G. Higgins, Esq. Attorney, Supreme Court.

J. H. Aratoon, Esq. zimindar, Dacca.

Proposed by Baboo Ramcomul Sen, and seconded by Rajah Kallykissen Bahadoor.

Baboo Bissumbhur Rey, zemindar of Domoordoha

Read a letter from Rajah Gungadhut Roy to Rajah

Radhacant Deb Bahadoor, requesting that his name may be in the Society; this was seconded by G. A. Prinsep, Esq.

Baboo Chunderkaunt Chowdry, of Severna, was also, proposed by Rajah Radhacant Deb Bahadoor, and seconded by G. A. Prinsep, Esq. The following gentlemen proposed at the last meeting were unanimously elected:

Thomas Tweedie, junior, Hazapore Factory, Jessore; C. A. Cantor, Esq., of Messrs. Cantor and Co.; W. R. Logan, Esq. of Mymensing; Chuckoaram Sing, a zemindar of Hooghly district; Joykissen Mookerjee a zemindar of Hooghly district; the Rajah of Tipoorah; Dewan Mahomed Ally; Baboo Sibjoy Tagore; Baboo Gourkisson Roy Chowdry, zemindar of Atkadpoor Machakhall; Moonahy Delabally; Baboo Callycomul Roy, zemindar of Doorgapoor; Baboo Callyproaud Roy, ditto of Purnea, Noabad.

Proposed by Baboo Ramcomul Sen, and seconded by Rajah Kallykissen Bahadoor, that in order to revise the distribution of the sub-committee of district correspondence, which has been found somewhat inconvenient, that a list be circulated with a blank column few names, that the committee may select those which suit them best.

The secretary produced the translation of the proceedings; proposed that 1,000 number of copies be printed in the Bengalee character, 1,000 in Oordoo and Persian characters.

A petition on the resumption regulations was placed before the committee.

Resolved, that it be considered at the next meeting.

W. COSS HURRY,

P. C. TAGORE,

*Hony. Secretaries.*

*Hurkaru, April 20.]*

## ACADEMIC INSTITUTION.

A general meeting of the subscribers and parents of the students of the above institution was held at the Town-hall, on Saturday last, in the afternoon, for the inspection of accounts and suggestion of some such plans as might make the institution permanent.

Sir J. P. Grant, was in the chair.

The operations of the meeting commenced later than the hour specified in the advertisement, owing to its having escaped from the mind of Sir J. P. Grant, who kindly promised to take the chair.

Baboo Nobinmadhub Dey, the secretary, addressed the meeting, delivering a short sketch of the institution itself, from its very commencement to the present date, and making remarks upon those that have not yet paid their subscriptions. Baboo Gobin Chunder Mujoondar did the same, and thanked the subscribers for their patronizing the institution.

The secretary, after having read and submitted the account to the meeting, through the request of the chair, intimated that the sum collected from the establishment of the school to the 31st of March, 1838, up to which the accounts to Company's rupees 1,262-10 annas, and that the expenditure of the institution having been 1,226-1, there remains only a small balance of 36-9 in favor of the institution.

The following are the resolutions made:

1st.—Proposed by the secretary and seconded by Baboo Muddosudon Chuckerbutty, that some measures should be adopted to put the institution upon a permanent basis. Carried.

2d.—Proposed by Baboo Ramchunder Mitter and seconded by Sir J. P. Grant, that the parents of the

boys should pay a small stipend for the education of their children. Carried.

3d.—Proposed by Sir J. P. Grant and seconded by Raja Rajnarain Roy Bahadoor, that a stipend of 8 annas only should be paid by each parent for the education of his child. Carried.

4th.—Proposed by Sir J. P. Grant and seconded by Raja Rajnarain, that a subscription book shall be circulated amongst both the European and native community. Carried.

5th.—Proposed by Sir J. P. Grant and seconded by Baboo Jaudobchunder Dhurra, that in order to shorten the expenditure of the institution, a reduction of the salaries to masters shall be made. Carried.

6th.—Proposed by Raja Rajnarain and seconded by Baboo Jaudobchunder Dhurra, that for the annual examination of the school a day in December shall be fixed. Carried.

7th.—Proposed by Sir J. P. Grant and seconded by Baboo Ramchunder Mitter, that letters shall be circulated amongst the parents of the students for payment of the small stipend above alluded to. Carried.

8th.—Proposed by Baboo Gobinchunder Mujoondar and seconded by Baboo Ramchunder Mitter, that a vote of thanks shall be given to Sir J. P. Grant for his very able conduct in the chair. Carried.

9th.—Proposed by the secretary and seconded by Baboo Gobinchunder Mujoondar, that a vote of thanks shall be given to the subscribers for their kindly supporting the institution. Carried.

After this the meeting dissolved. [Herk. April 23.]

## MEETING OF PROPRIETORS OF THE BANK OF BENGAL

28TH APRIL 1838.

BANK OF BENG. APL. 3, 1838.

Notice is hereby given, that, agreeably to the subjoined requisition from the Proprietors of the Bank, whose names are thereto subscribed, a General Meeting of the proprietors will be held at the Bank, *this day, Tuesday, the 24th instant, at noon precisely.*

The Directors will take the opportunity of submitting to the proprietors their proceedings in regard to the appointment of a deputy Secretary to the Bank.

By order of the directors,

G. UDNY,

*Secy. to the Bank.*

To G. UDNY, Esq.

*Secretary to the Bank of Bengal.*

SIR,—We the undersigned proprietors of the Bank of Bengal, request that you will convene a meeting of proprietors to be held at the Bank of Bengal, on the earliest day the rules of the Bank will admit, to consider the propriety of petitioning the Governor-General of India in Council, to authorize an increase of the capital stock of the said Bank.

(Sd.) Dwarkanauth Tagore.

„ Wm. Prinsep.  
 „ George Wood.  
 „ W. Ainslie.  
 „ James Wood.  
 „ R. Wood.  
 „ W. Wood.  
 „ Alexander Colvin.  
 „ E. Macnaghten.  
 „ Henry Holroyd.  
 „ Ross D. Mangles.  
 „ Edward Sanders.  
 „ Henry Cowie.  
 „ T. M. Taylor.  
 „ Wm. Martin.  
 „ Thos. Leach.  
 „ Prossonocoomar Tagore.  
 „ Russomoy Dutt.  
 „ John Carr.  
 „ W. F.ergusson.

At a Meeting of Proprietors of the Bank of Bengal, held this day, pursuant to the advertisement in the Government Gazette of the 7th instant, of which copy is in the margin,

Mr. H. T. Prinsep was called to the Chair.

Read the requisition for this meeting.

Moved by Mr. E. Macnaghten, seconded by Mr. A. Colvin, and resolved,

That it is expedient to increase the capital stock of the Bank of Bengal.

Moved by Mr. G. Collier, seconded by Mr. Allan and resolved,

That it is expedient that the increase should be of such amount as to allow upon each share a proportion of new stock that may be expressed in even thousand, viz. upon the share of Rs. 4,000 an increase of one-fourth or one-half or three-fourths.

Moved by Mr. J. W. Cragg, seconded by Mr. A. Colvin and resolved,

That in the opinion of the meeting it is desirable (whether or not the Government relinquish its share of the new stock) that the capital should be increased one-half, so that in case the Government should determine to take its share of new stock, that the capital be increased by the sum of Rs. 3,750,000 and in the event of Government declining (as on the late augmentation) to take its share the capital be increased by the sum of Rs. 3,200,000.

An amendment moved by Mr. C. R. Prinsep, seconded by Mr. McFarlane and resolved,

That, in order to prevent the capital exceeding one crore of rupees, the increase be one-quarter of each existing share and not one-half.

Moved by Mr Cragg, seconded by Mr. Bageshaw and resolved,

That the holders of fractions of the present share of Rs. 4,000 be received in their share of the proposed increase by an auction sale for their benefit.

Moved by Mr. Mangles, seconded by Mr. Cragg, and resolved, that the proprietors whether absent or present shall, as in the last increase have eighteen months from the date of the sanction of such increase of stock by the Governor-General-in-Council, to pay the value of the shares they may respectively become entitled to; but in as much as it is expedient that the Bank should have immediate use and benefit of such portion of such increased capital as can be supplied without detriment to the interests of absent proprietors resolved, that *all* proprietors shall have the option of paying into the Bank the amount of the value of the new stock they may respectively become entitled to, immediately such sanction of Government has been obtained, and that they shall be entitled to receive their half yearly dividend on such new stock, to be calculated from the 1st day of July, or the 1st day of January (as the case may be) next after they may have made such payment.

Moved by Mr. Mangles; seconded by Mr. Leach, and resolved, that our directors be requested to take into consideration the possibility of making arrangements for the payment of dividends to proprietors in England and to report the result of their deliberating to the next general meeting.

The chairman then stated, that, with reference to the proposition agreed to at the last meeting of proprietors, for increasing the sum at disposal for establishment, the majority of directors had come to a resolution to apply to Government to obtain a deputy secretary to be appointed from amongst its servants, but had received a reply from the President in Council, refusing to appoint a civil servant to the office. To this resolution four directors were dissentient, and three minutes are recorded. The chairman added that no further steps had yet been taken by the directors to appropriate the surplus funds voted.

After a few observation from Mr. Cragg, in favour of appointing a deputy from persons unconnected with the Government, it was resolved *nem. con.*, that the directors should take such measures as they might deem necessary and proper to provide for the increasing business of the Bank, and report the same to the next meeting. Thanks were then voted to the chairman and the meeting broke up.

(Signed) H. T. PRINSEP, *Chairman.*  
 Hurkaru, April 25.]

## BANK OF BENGAL.

There was a meeting of proprietors of the Bank of Bengal yesterday, to consider the propriety of petitioning the Governor General to authorize the increase of the capital stock. H. T. Prinsep, Esq. in the chair; the following gentlemen present:—Messrs. Bracken, Leach, W. F. Fergusson, A. Colvin, McKilligen, Mangles, E. Macnaghten, Collier, Martin, Newcome, Fitzgerald, W. Storm, McFarlane, Hurry, W. Prinsep, Rabbeth, P. Tagore, Cragg, Lyall, C. Prinsep, H. M. Parker, Allan, Colquhoun, Bagshaw, Waddington, &c.

After a few words from Mr. Bagshaw, regarding the absence of a statement showing the necessity for a proposed increase of capital, Mr. E. Macnaghten moved the first resolution in substance, as follows:

“Resolved, that it is expedient to increase the capital of the Bank of Bengal.”

Mr. A. Colvin seconded the resolution. Mr. Cragg opposed it. He did not see that such increase was necessary, and, with reference to anticipated profits, the result of increased discount transactions, he thought it very probable that the rate may be in four months reduced from ten to six per cent. Mr. Mangles said, the argument of Mr. Cragg was precisely the same as that made use of by the shareholders when the last increase of the capital was proposed, and which, it was now entirely unnecessary to remind the shareholders, had been proved erroneous. His opinion was that the maximum amount of capital now required for the purposes of the Bank, would, in a few years, be the minimum amount required, and that too without much diminution in the rate of discount. But should he be wrong in his opinion, he for one, and there were others for whom he could answer, would prefer having a small interest for a large capital than a large interest for a small capital invested in the Bank of Bengal. He took occasion to say, that the proposed increase was not brought forward at the present moment in consequence of demonstrations in other quarters, the proposal had been long contemplated by Mr. E. Macnaghten, and by himself. Mr. Cragg thought it might be as well before the business was farther entered into, to inquire if any arrangements had been made with reference to the establishment of branch banks. The chairman replied, there had not, in consequence of there being employment for the Bank's capital in Calcutta. Mr. C. Prinsep thought it would be a kind of suicide to admit the public to participate in the profits of the Bank by increasing the capital. As to the argument that the course proposed would stay the establishment of other banks; he said, so long as the Bank of Bengal had exclusive privileges in the circulation of their notes, the more numerous other banks the better for the proprietors; other banks could only operate as feeders, taking off their notes, which were the main source of profit. Mr. Mangles reminded the meeting that they had committed suicide two years ago by increasing their capital, and he had not any doubt but that the contemplated measure would produce similar advantages. Mr. Leach thought the note circulation had reached its maximum, and if they were taken off by the feeders it would be to return them to the Bank. Mr. H. T. Prinsep, as a Government director treated the proposed increase as a matter of indifference, and so he thought the Government would look at it; but as a private shareholder he much doubted the expediency of the measure. The contemplated increase of profit must arise out of an increased discount business; the proposed additional capital would not add to the note

circulation, or to the number of deposits. Now, parties who were content to employ their capitals in discounts might do so in their own offices. Mr. Mangles said he could not turn his office into a discount shop, and he much doubted if the chairman would be so efficient as public servant were he to convert his office into a rendezvous for brokers. Mr. H. T. Prinsep wished to be understood as not opposing the proposal now before the meeting, but he thought the consequence would be that, in a few months, the greater part of the increased capital would be invested in Company's paper. Nevertheless, the motion, if carried, would not be entirely useless; there was a *prestige* in a crore of rupees, both here and at home, which would keep mad projects out of the market. Mr. Bracken thought the words “mad projects” required explanation. Mr. H. T. Prinsep assured Mr. Bracken that they did not apply to the Bank of India; and Mr. Mangles added, that they could be so applied in the Pickwickian sense only. Mr. Bracken declared that his only reason for opposing the resolution was that it affected the interests of absent proprietors.

After some further discussion, the resolution was put from the chair, when there appeared for the motion 177, against it.

Mr. Collier proposed the second resolution as follows:

“That it is expedient the increase should be of such amount as to allow upon each share a proportion of new stock that may be expressed in even thousands, viz. upon shares of Rs. 4,000 an increase of one-fourth, —or one-half,—or three-fourths.”

Mr. J. Allan seconded the resolution, which was carried, no one opposing.

Mr. Cragg moved the third resolution, which was seconded by Mr. Colvin, and carried,

“That in the opinion of this meeting it is desirable (whether or not Government relinquish its share of the new stock) that the capital should be increased one-half, so that in case the Government should determine to take its share, that the capital be increased by the sum of Rs. 375,000; and in the event of Government declining to take its share, the capital be increased by the sum of Rs. 3,200,000.”

After a few words from Mr. W. F. Fergusson, who expressed himself unfavourable to the proposed increase, Mr. C. Prinsep proposed an amendment, in substance to limit the amount to one quarter the sum proposed. The amendment was lost by a majority of 22 to 12.

Mr. Mangles moved the following resolution, which was seconded and carried,

“That the proprietors, whether absent or present, shall have eighteen months from the date of the sanction of such increase of stock by the Governor General in Council, to pay the value of the shares they may respectively become entitled to, but inasmuch as it is expedient that the Bank should have the immediate use and benefit of such portion of such increased capital as can be supplied without detriment to the interests of absent proprietors. Resolved, that all proprietors shall

have the option of paying into the Bank the amount of the value of the raw stock they may respectively become entitled to, immediately such sanction of Government has been obtained, to receive their half yearly dividends in such new stock to be calculated from the first day of July, or first day of January (as the case may be) next, after they may have made such payment.

This closed the principal part of the business for the considerations of which the meeting was convened, but

there was another motion by Mr. Mangles, carried by a majority of 18 to 9, in substance, enjoining the directors to inquire and report as to the possibility of paying dividends to shareholders in England.

The appointment of a deputy secretary next came under consideration, but the matter was left in the hands of the directors, the meeting expressing a strong feeling in favour of Mr. Henderson.—*Hurkaru, April, 26.*

## LANDHOLDERS' SOCIETY.

*Proceeding of a meeting of the Committee held at the Society's office, No. 3. Clive-street Ghaut, on Monday, the 23d instant.*

**Present.**—G. Prinsep, Esq.; Cowar Suttochurn Goshaul; Baboo Prosonocoomar Tagore; Baboo Ramcomul Sen; W. C. Hurry Esq.; Baboo Pronnauth Chowdry, and Baboo Cosynauth Bose.

**Visitors.**—Baboo Pooran Sing, of Sahabad; Baboo Parbuttychurn Chowdry; Mowloobhey Mawallaw Bux, and Hussey Ally.

Read a proposed petition against the resumption regulation.

The following resolution was proposed by Baboo Ramcomul Sen, and seconded by Cowar Suttochurn Goshaul.

That this committee concurring in the general view taken of the hardships and grievances of the lakhirajlars as set forth in the draft petition now laid before them, agree to forward the petition, when duly signed, to Government, and to support the main object of it with a separate representation on the part of the Society.

Proposed by Baboo Ramcomul Sen, and seconded by G.A. Prinsep, Esq.

Mr. George Preston as a member of the society.

The following gentlemen proposed as members at the last meeting, were unanimously elected :

Baboo Bisumbhur Roy, zeminder of Domoordaha; Rajah Gungadhar Roy, and Baboo Chunderkaunt Chowdry, of Saverna.

Proposed by Baboo Prosonocoomar Tagore, and seconded by G.A. Prinsep, Esq., that an application should be made to Mr. F.J. Halliday, the officiating secretary to Government, revenue department, asking a copy of the draft resumption law now printed, with the appendices.

Read the following letters, addressed by the society to Government :

H.T. PRINSEP, Esq.

*Secy. to Govt. in the Genl. Dept.*

Sir,—We beg leave to bring through your medium to the notice of the Honourable the Deputy Governor of Bengal and Vice President of the Council of India, the formation of a Society of the landholders of Bengal, the object of which is to promote co-operation and mutual assistance in all matters relative to the landed interests of the community.

Having observed the utility of the Calcutta Chamber of Commerce to the commercial interests of the country, they think that similar good may result from their own efforts, if they can be permitted to address the Government, through the medium of their secretary, in the same

manner as is done by the Chamber of Commerce, and they also indulge the hope that the Government will condescend to communicate with them through the same channel

The Society will, at all times, be ready to offer their services to Government in communicating any information respecting the working of judicial, revenue, or police establishments in the interior, the condition of the labouring classes and the state of agriculture, which it may be enabled to furnish.

The enclosed prospectus will fully explain the objects of the Society, to which we beg to refer you.

We are, Sir, your most obedt. servants,

(Signed)

W.C. HURRY,

PROSONOCOOMAR TAGORE,

*Hony. Secretaries.*

*Calcutta, April 7, 1838.*

The following answer was received from Government :  
No. 501.

To WM. COBS HURRY, Esq and

BABOO PROSONOCOOMAR TAGORE.

Gentlemen,—I am directed to acknowledge the receipt of your letter, dated the 7th instant, enclosing the prospectus of a Society to be called the Landholders' Society, and requesting permission to address the Government through the medium of the Society's secretary in the same manner as is done by the Chamber of Commerce.

In reply, I am directed to state, that the Hon'ble the Deputy Governor of Bengal, will always be disposed to receive and consider the representation of any class of the inhabitants affecting their own interests or the good of the community. The communications of the Landholders' Society upon matters connected with the land revenue and judicial departments of Government, must be addressed in due course through the secretary of these departments.

I am, Gentlemen, your obedt. servant,

(Signed) H.T. PRINSEP,

*Secy. to the Govt. of Bengal.*

*General Department,*

*Fort William, 11th April, 1838.*

Resolved, that the proceedings of this day's meeting, as well as the above correspondence with the Government, be published.

Ordered that the translations of the proceedings of the general meeting held at the Town-hall be sent to the Bishop's College to be printed.

WM. COBS HURRY,

P. TAGORE,

*Hony. Secretaries.*

*Hurk. April 27.]*

## SUPREME COURT.

MONDAY, APRIL 2, 1838.

(Before Sir Edward Ryan and Sir J. P. Grant.)

Sittings after 2d term—Plea Side.

*Sreemutty Russickchunder Neoghy v. Sreemutty Hurrymony Dossee.*

The Advocate General (with whom was Mr. Prinsep) supported a rule which he had obtained on a former day, for the postponement of the trial of this issue until next term, on the ground of the alleged concealment of a material witness in the house of the defendant.

Mr. Clarke (with whom was Mr. Leith) shewed cause, on affidavits denying the alleged concealment of the witness, but he said that he should not oppose the postponement of the trial, or payment of costs by the other side.

*Rule absolute on payment of costs.*

*Sreemutty Dossee v. Rajnarain Day.*

Mr. Cochrane opened the pleadings. This was an action of *trover*, to recover certain gold mohurs and rupees in specie, and some silver bullion, amounting in value altogether to about Rs. 10,000. The plea was the general issue.

Mr. Advocate General. The plaintiff is the widow and executrix of one Ramhury Ghose, who, in his life time, adopted a son, called Baneywadub Ghose. Disputes had taken place at different times concerning the property left by the testator, the adopted son wishing to obtain it in the life-time of the widow, though he was not entitled until her death, when he would inherit as next heir. On one occasion, the son, in conjunction with the present defendant and other parties, broke open the house of the plaintiff, and assaulted her, for which she preferred an indictment, and the parties were convicted. The property in question was carried by the son, and deposited with the present defendant, in whose custody it still remains.

Witnesses were called to prove the above facts. The gold mohurs were in a red purse, and the rupees in an iron chest, which appeared to have been broken open. The adopted son had absconded.

Mr. Clarke, for the defence called no witnesses, but objected, that either there was no *conversion* proved on the part of the present defendant, or else that the plaintiff's own witnesses had shewn that the civil claim was merged in a *felony*. As to the latter point, he said that the chest was proved to have been forcibly carried away and broken open, and an action of *trover* was tried last term, in which the plaintiff was consulted on similar evidence. But he relied chiefly on the first objection, viz. the want of proof of *conversion*, and he admitted that these two grounds of defence were not quite consistent with each other. The plaintiff ought to have proved a *demand and refusal* to support this action, for the property had been carried away by another party, and deposited with this defendant. He contended that, as far as the proof affected the present defendant, there was nothing to shew either a wrongful taking, or an illegal detention.

The Court, however, were of opinion, that neither objection would hold. In estimating damages, a difficulty arose about the value of the bullion, proof being given of nine lumps of silver being among the property, weighing 320 siccas, but there was no evidence of its value. The court computed this at so many rupees, but

they said that the defendant would be relieved by giving up the property.

*Verdict for the plaintiff.*

*Sreemutty Sibboosondery Dossee v. Sreemutty Comul-money Dossee.*

This is a feigned issue out of Chancery to try the question, whether a certain clause of bequest appearing in a certain will or testamentary document, was contained in the original instrument. Several witnesses are to be examined on both sides, and the cause is likely to occupy a considerable time in the trial.

On the application of Mr. Clarke, the cause was postponed until to-morrow, as a commission for the examination of one of the witnesses, a Hindoo female, is not yet returned.

Mr. Clarke, Mr. Grant and Mr. Nott, for the plaintiff. The Advocate General, Mr. Leith, and Mr. Morton, for the defendant.—Hark., April 3.

TUESDAY, APRIL 3, 1838.

(Before Sir E. Ryan and Sir John P. Grant.)

Sittings after 2d Term. Plea Side.

*Doe on the demise of Jaun Beebe v. Abdoolah, Barber.*

The Court delivered judgment in this ejectment, in which a rule had been obtained and argued to enter at last term, verdict for the plaintiff for the whole or *pro tanto*. Certain questions of Mahomedan law had been referred to the moulavie for his opinion.

Sir E. Ryan. It is not necessary to state the facts of this case, because the issue is narrowed to the simple question of the construction of the instrument under which the defendant claims.

The first point relates to the nature of the instrument. The Court entertains no doubt that the opinion of the moulavie is the common-sense view, and according to that opinion the instrument is a *waqf*, or endowment for religious or charitable uses. The moulavie adds that it would have been a will, if it have been made in the time of mortal sickness, or if by its terms the instrument was not to take effect until after the death of the party executing it. On the second point, which raises the question whether a female can be a mutawallee or trustee, the Court is equally clear. By Mahomedan law, a female may be mutawallee, and the duties may be performed by proxy.

The remaining two questions present greater difficulties and opposite opinions have been pronounced by high authorities. These questions are whether actual delivery of the property is essential to the validity of a *waqf*, or deed of endowment, as in the case of ordinary gifts, and whether it is affected by a qualified reservation by the donor, in his own favour, during his lifetime. [His Lordship here referred to the *Hidaya*, and several treatises of high authority in Mahomedan law, in which the opinions on the subject clash with each other.] Upon a full consideration of all the authorities, the opinion of the Court coincides with that given by the moulavie, which is more conformable to the modern decisions. We hold that delivery is not essential to render the *waqf* valid in law, and that it is not affected by the qualified reservation of the donor. The appropriation, therefore, is good, and there is no ground for disturbing the original verdict which was found for the defendant.

The Advocate General and Mr. Grant for the lessor of the plaintiff.

Mr. Clarke and Mr. Leith for the defendant.

*Rule discharged.*

**Sremutty Sibboosondery Dossee v. Sreemutty Comulmoney Dossee.**

WEDNESDAY, APRIL 4, 1838.

(Before Sir E. Ryan and Sir J. P. Grant.)

Sittings after 2d Term.

This issue to try the question whether the will of a wealthy Hindoo, Kistnoohunder Seat, did or did not contain clause of bequest, came on for trial. The pleadings having been opened, and the case for the plaintiff who had to support the affirmative of the issue, having been stated, the evidence of this chief witness taken, under a commission, was tendered by the plaintiff's counsel.

The Court inquired, how it had happened that the evidence of the most material witness was taken on paper, instead of being given *vidæ voce* in open Court. The very object of the issue was to satisfy the mind of the Court on a point on which the depositions taken in the equity suit were not sufficient to enable them to arrive at a definite conclusion. If the evidence was to be offered in this shape, how was the trial of the issue a whit more satisfactory and conclusive, than the hearing of the original suit on the Equity side?

Mr. Clarke, the leading counsel, for the plaintiff, replied, that it was certainly unfortunate, and all parties regretted the necessity; but the witness in question was dangerously ill, and, at the time of moving for the commission, Dr. Raleigh was in Court ready to swear to his affidavit concerning the witness's precarious state of health, but by consent of the other side, the swearing of the affidavit had been dispensed with. It was fully admitted that this witness was the most material of all of the plaintiff's witnesses, being the party who had drawn up the will, and read it over to the testator.

Sir John P. Grant. You say the other side consented; what right had they to enter into any such compromise?

The Advocate General (counsel for the defendant), submitted that they had a full and unquestionable right and were perfectly justified. There had been no consent, or compromise, further than the circumstance that no opposition was offered to the motion, and surely such an arrangement was liable to no objection! The order was made under the sanction of the Court, and this commission was issued under their express authority, and the Court could not find fault with their own order.

Sir E. Ryan observed, that the attention of the Court was not called to the circumstance that this party was the most material witness.

The Advocate General admitted this, and said that he was not himself aware of the circumstance at the time.

Sir E. Ryan then suggested that the cause should stand over until Thursday morning, and that, in the meantime, an affidavit by a medical gentleman should be procured of the present state of health of this witness. Should the decision ultimately turn upon a nice weighing of testimony and probabilities, it might be impossible for the Court to give any verdict without seeing the witness, and examining him *vidæ voce*, and in that event, the parties would be put to the great expense of another issue. The evidence taken under the commission might be considered as taken *de bene esse*, if it should hereafter be found necessary to use it, from the utter inability of the witness to attend within a reasonable time, if ever. Should it on appear on Thursday that there was a probability of the witness being able to attend in a week or ten days, the cause might be further postponed, otherwise the issue might be taken on that day.

After some discussion the suggestion was agreed to by the counsel on both sides.

Stands over until Thursday next.

The case of *Doe on the demise of Kishnoohunder Biswas v. Anundmoy Biswas* stands for to-morrow, Wednesday (this-day).—Hark. April 4.

**The Queen v. Parbutty, Junghee, and Tukoor Dass.**

These three prisoners, convicted of murder, in the Supreme Court sessions of August 1836, were this morning placed at the bar, and Her Majesty's free pardon under the great seal, was read to them aloud by the clerk of the Crown, and interpreted into the Bengallee language by the sworn interpreter of the Court.

This pardon was granted upon the merciful recommendation of the prisoners, by the Judges of the Supreme Court. The signature of Queen Victoria appeared upon the document, written in a fine bold hand, and it was countersigned by Lord John Russell, the Secretary of State.

The prisoners were then discharged.

**(In the matter of Kistnoohunder Mookerjee)**

This party is the material witness, whose evidence, taken under a commission, was offered yesterday at the trial of the issue in *Sreemutty Sibboosondery Dossee v. Sreemutty Comulmoney Dossee*. It may be recollected that their Lordships objected to the evidence of so important a witness being taken on paper, and postponed the trial in order to obtain a medical certificate concerning the present state of health of the party.

Dr. Raleigh, of the medical service, was sworn and examined. Saw Kistnomohun Mookerjee yesterday evening. Has regularly attended him for some time past, by the direction of Rajkissen Mookerjee, (who is the agent and manager of the plaintiff in the issue, and the alleged finder of the will set up by her). Kistnomohun is in a state of great debility. His present complaint is fever and inflammation. He is altogether in a precarious and dangerous state, and could not attend the Court for the purpose of *vidæ voce* examination without risk. Perhaps there would be no actual risk of life. His age may be about 46. There is no great probability of his being speedily in a condition to give his testimony in court.

The Court, under these circumstances, were of opinion, that it would serve no purpose to postpone further the trial of the issue, as the personal attendance of this witness appeared to be so problematical. The issue therefore will come on to-morrow Thursday, (this-day) and it is expected to occupy two days at least.

**Doe on the demise of Kishnoohunder Biswas and others v. Anundmoy Biswas.**

Mr. Leikh opened the pleadings.

The Advocate General stated the case. This was an action of ejectment to recover a piece of ground, about four cottahs and three chittacks, and certain godown, situated in Sootanooty in the town of Calcutta.

Several witnesses were examined, and the trial occupied a considerable time.

Sir E. Ryan interrupted the proceedings, and inquired of the defendant's counsel whether he had any more witnesses, because it seemed to the Court to be a mere waste of time to proceed. It appeared that the very party under whom the defendant claimed, was a witness to two instruments, long previously executed, shewing the extent of the premises conveyed to the Biswas's; and, among natives, the being witness implied something more than among Europeans.

Mr. Prinsp, (with whom was Mr. Clarke for the defence) said, that he would not protract the case, after this intimation had fallen from the court.

Verdict for the Lessors of the Plaintiff for the Land, on all the Counts. [Hark., April 5.

THURSDAY, APRIL 5, 1838.

(Before Sir Edward Ryan and Sir J. P. Grant.)

Sittings after 2d Term, Plea Side.

*Doe D. Biswas v. Biswas.*

The Advocate General moved in this ejectment case, tried yesterday, in which the lessors of the plaintiff obtained a verdict, that judgment might be entered up, and execution issued immediately.

Sir E. Ryan said that this was not a case of the kind, in which, according to the practice which prevailed in England, the Courts granted immediate execution.  
*Refused.*

*Pratt v. Colville.*

Mr. Leith moved, upon affidavits, under rules 5th and 22d of the new equity rules, for an attachment against the said William Colvin the defendant, for want of appearance. The affidavits stated, that this party had sailed for England in the ship *Coromandel*, that he had not resided in Great Britain or Ireland for a period of two years, and that the cause of action was less than Rs. 30,000. By the 13th section of the charter of 1774, the Supreme Court shall have no jurisdiction to try or determine any suit or action "against any person then resident in Great Britain or Ireland, unless such suit or action against such person so then resident in Great Britain or Ireland, shall be commenced within two years after the cause of action arose, and the sum to be recovered be not of greater value than thirty thousand rupees."

Sir Edward Ryan observed, that a complainant in equity would be entitled to an attachment for non-appearance, upon a motion, of course, without any special application.

Mr. Lieth said, that he had deemed it advisable under the circumstances to call the attention of the Court specially to the facts.

The Court said, that the case fell within the 5th rule, and that the 22d had no application, nor was it affected by any new regulation introduced by those rules, but the same practice existed before they were passed.

*Attachment granted.*

(*Sreemutty Sibboosondery Dossee v. Sreemutty Comulmoney Dossee.*)

Mr. Grant opened the pleadings. This is a feigned issue out of Chancery, to try the question whether a certain clause of bequest, in favour of the defendant, was contained in the will of one Kistnoochunder Seat. The affirmative of the issue is on the plaintiff.

Mr. Clarke stated the case for the plaintiff. Annuochunder Seat died in the year 1813, leaving a widow, one son and a daughter. That son, Kistnoochunder Seat, is the testator, whose will gives rise to the present proceedings. Kistnoochunder died in August, 1827, leaving a son, Hurrakissen, and a widow, Commulmoney, the defendant in this issue. On the evening before his death, Kistnoochunder made his will, by which he gave away several legacies, chiefly of inconsiderable amount, and allowed the bulk of his property to go to his son Hurrakissen, the heir-at-law. In September 1831, Hurrakissen died intestate, leaving a widow, Sibboosondery, the plaintiff in this issue: and immediately after his death, disputes began to arise in the family, and a bill was filed against this widow by the present defendant, in conjunction with the legatees and other parties interested under Kistnoochunder's will.

The dispute, however, which is the subject-matter of the present issue, is entirely between the widow of Kistnoochunder (the defendant) and her daughter-in-law, the widow of Hurrakissen (the plaintiff.) According to the will set up by the plaintiff there is a specific bequest of sicca rupees 60 per month to the defendant, for maintenance in the event of her quitting the family house. It may at first seem strange that the defendant should disclaim a legacy made in her own favour, and thus endeavour to impeach the will which bequeaths it; but the explanation is very simple. The amount of property altogether is ten or twelve lacs, and the defendant, claiming as the widow of Kistnoochunder, would be entitled to a much larger proportion than the monthly sum assigned for maintenance, whereas, if this specific bequest can be proved to be contained in the will, it will impliedly merge her general claim to her share as widow of the testator. The defendant accordingly sets up a different version of the will, and pretends that it originally contained no specific bequest to herself, but that the clause in question is a forgery, and an interpolation. Several persons were present at the making of the will, but there is a dispute as to their number and identity, and very different accounts are given on either side, of what took place on the occasion. The Court will see, therefore, that the decision will turn almost entirely upon the credibility of the witnesses on each side, the balance of testimony and the degree in which each story is supported by the probabilities of the case. One circumstance affords strong ground for presuming that the clause in question must be genuine, and could not have been interpolated. There is a subsequent clause giving a legacy to another party, and this legacy has been paid, nor is it pretended that the latter clauses did not originally exist:—if, therefore, the disputed clause is of posterior fabrication, there must have been a hiatus in the original will, wholly unaccounted for.

The learned counsel here put in the deposition of the plaintiff's chief witness, Kistnoochunder Mookerjee, who was examined by counsel under a commission before C. R. Prinsep, Esq., granted upon motion, on affidavits that the witness himself was in a precarious state of health, and unable to appear personally, before the Court. According to his own evidence, deponent wrote out the will at the dictation of the testator, and then read it aloud. Four other persons were in the room. The testator approved of it, and caused some additions to be made in the progress of reading; but the clause of bequest, which is the subject-matter of this issue, formed part of the body of the will. This was in the evening after gun-fire, and the writing was finished about midnight. The testator was carried on the following evening to the banks of the Ganges, and died in an hour afterwards. Deponent saw the will again, about six weeks after the death of his son, Hurrakissen, when it was found in a box, and read aloud—several persons were present.

There witnesses for the plaintiff were then put into the box, and successively examined and cross-examined at great length. The two first, Ramchunder Bhowe, and Radagovind Roy, had been in the service of the testator, and were now employed by Sibboosondery the plaintiff. The defendant's counsel cross-examined them with reference to a conversation with one Ram-mohun Bysack, in which it was endeavoured to fix them with having told a totally different version of the story. The third witness, Ramrutton Mookerjee, was a mooktyar, not in the service of the testator or plaintiff. All three swore to being present on the occasion of the writing of the will and two of them were present when it was subsequently discovered. They supported the plaintiff's version of the will.

The examination of these witnesses, alone occupied the Court to a late hour, when the further hearing was

postponed until to-morrow, Friday, (this-day). The plaintiff's case is not yet closed.—*Hurk. April 6.*

FRIDAY, APRIL 6.

*Sreemutty Sibboosondery Dosse v. Sreemutty Comulmonnee Dossee.*

The Court was occupied the whole day in the further hearing of this issue. The plaintiff's case was closed, and the *Advocate General* addressed the Court for the defence, but the defendant's case had not been far proceeded with, when the Court adjourned the further hearing until to-morrow, Saturday (this-day).

The report will be given, in continuation of yesterday's, when the trial is terminated.—*Hurkaru, April 7.*

MONDAY APRIL, 9.

*Seebosondery Dossee v. Comulmonnee Dossee.*

This was an issue out of equity to try whether a clause allowing a maintenance of 60 rupees per month, under certain prescribed circumstances to the defendant, formed part of the original will of her deceased husband. The plaintiff was directed by the Court to support the affirmative; the defendant alleging that the clause of maintenance to herself was an interpolation, introduced into a fresh copy of the will drawn up subsequently to the testator's death.

The trial has occupied the Court for several days. The evidence for the defence having been concluded this morning, Mr. Clarke, on behalf of the plaintiff, made an eloquent speech of three hours length in reply.

*The Chief Justice.*—This case has occupied four whole days, and the witnesses have been examined at great length. During the whole period of my having sat on this bench I hardly know any case, in which more fraud and more perjury have been exhibited on both sides. The onus of proving the particular clause of the will set forth in the issue rests with the plaintiff. The evidence proves the greatest affection between the mother and the son. It is improbable that the testator under such circumstances would have made such a provision for her. The Court can only disinherit on clear and satisfactory evidence. The case being tainted with perjury on both sides, we cannot find for the plaintiff; we, therefore, find a verdict for the defendant.

*Counsel for the plaintiff, Messrs. Clarke, Nott and Grant.*

*Counsel for the defendant, Messrs. Pearson, Leith, and Morton.*

The plaintiff is said to have given immediate notice of a motion for a new trial.—*Englishman, April 10.*

*In the matter of Soodasun Sein, a lunatic.*

In pursuance of a writ de *lunatico inquirendo*, Soodasun Sein was on Thursday, the 5th of April, brought up before the Commissioners, T. Dickens and C. A. Nott, Esqrs.

The commission sat at the Insolvent Court, and a jury of fourteen, including two native gentlemen, having been sworn,

Mr. Dickens, briefly opened the commission.

Mr. Cochran, on behalf of the lunacy, stated that the supposed lunatic was possessed of considerable property, and that he laboured under peculiar delusions, one of the prevalent ideas of his mind being that persons are coming to pay him large sums of money.

Dr. Raleigh sworn.—The lunatic is in charge of Mr. Beardmore, at whose request I occasionally visited him; my first visit was about three or four months ago Mr. Beardmore thought it would be desirable, in addi-

tion to Dr. Mercer's certificate, that I also should see him. When I first saw him he was free of fever, but he appeared sullen and reserved. I saw him merely for the purpose of satisfying Mr. Beardmore that the man was not sent to his house unnecessarily. I was told that his madness was caused by a domestic affliction, the inconstancy of his wife.

Dr. Mercer sworn.—First attended the lunatic at his house in Hauteollah, on the 21st July, 1837. He was low, sullen, and not disposed to answer questions. Had conversation with him. The first time I saw him Lokenauth Mullick went with me. I believe the conversation was in English; the lunatic speaks English. I thought him from the first very unsound in his mind. Saw him on the 2d of December last; he was improved, more conversable, more ready to answer questions, but certainly not capable of managing his own affairs. When I saw him last he probably might have been having lucid intervals. I visited him four times, ten minutes may have been the duration of each interview. The last time I saw him he appeared improved, and now his appearance is much improved. The three first visits were all in July, I believe Lokenauth Mullick is a connexion of the lunatic's. I prescribed medicine for him, but he never would take any. Though lucid and conversable at the time, I believed him to be insane on Mr. Beardmore's statement to me.

Soodasun Sein is asked if he had any question to ask this witness.—He answers, I was taken to Dr. Beardmore's by force, I was taken by force of four or five peons. The Dr. went to see me,—he came to make faces; and to make fun, and went away. What have I to say to the Doctor? You may ask him if you want to know.

Dr. Raleigh—again called by a juror.—I should say his mind had improved. He was at first sullen and reserved, and latterly conversable. There is something in his countenance indicating insanity. (Reads date of certificate). Now I should say he is improved in appearance.

Mr. Isaac Beardmore.—Soodasun Sein came on the 2d of December; that was not the first time I saw him. I do not know how he came. He was brought by his connexion. I believe Gore Tagore and Nilmoney were two persons who brought him to my house. When I examined him at his house, I saw him about fifteen minutes. I believed him to be in a state of imbecility. The date of the first visit was about ten or a dozen days before the 2d December. I saw him in the evening. I conversed with him. I asked him to take medicine. He said he would not take any. I had no more conversation with him. I have seen him fifty or sixty times since he has been in the asylum. I think he could not conduct his own affairs. I believe he was aware why he was confined, but I never told him: there is some sort of delusion on his mind. He wishes to sell his house and get Rs-10,000; he says he could live well with it. I do not know who his attorneys are. He is never violent. He refuses to take medicine. I do not think that at any time during his continuance in the asylum he has been capable of taking care of his own affairs. His reply as to the application of the money was that he would eat and drink well, take steamer, and go to England. I am not aware whether Gore Tagore is in Mr. Homfray's service. Doctors Raleigh and Mercer saw him on different occasions. Dr. Raleigh saw him on the following day after Dr. Mercer. The attendants say he is satisfied with his confinement, and thinks himself better off than if he was out.

Soodasun Sein asked if he has any questions to put to Mr. Beardmore, says 'Mr. Beardmore is talking about my wanting to sell a house: that is true.'

Mr. Beardmore's examination continued. He expressed his annoyance, that he has been placed under a



Doctor when he is well. He was taken charge of when he arrived, by Fyzoo, my native doctor. Having been informed that he had arrived, I asked him no further questions. I had an understanding with Gore Tagore and Nilmoney, I had been informed, that Dr. Mercer was his ordinary family medical attendant. I made out the bill in the wife's name for Rs- 500, which I have been paid. I do not know her name.

*Nilmoney Addy* examined. Soodasun Sein married my brother's daughter. In Pous 1243, he became ill, when living near Burra Bazaar. Illness first commenced with a palpitation of the heart, and afterwards insanity. In the course of a month I saw him ten or twelve times. It was when he returned from Benares that he became insane; he used to throw himself about, and one day he threw himself into the water: he would eat nothing and flog the servants. His wife sent for native doctors. He required force to take him to bathe. His wife sent for Dr. Mercer, who prescribed, but he would not take the medicine. Dr. Mercer recommended Mr. Beardsmore's, and Gore Tagore took him therein a palanquin on the 7th Augon. Two days afterwards he went home again; five or six days after he was again taken to the asylum. There was no quarrel in the family. He was married about thirteen years before he went to Benares; at the latter time his wife was five months with child. Soodasun Sein managed his father's affairs during his life: his property is considerable: there is a house in Cossitollah, one in Mirzapore, one at Molungha, one at Bysack Street, all worth about Rs- 50,000. When we were returning from Benares he jumped into the water, the manjees picked him up, and I put a guard upon him. He was a man very sensible and capable of doing business when he conducted his father's affairs. His wife now pays his expenses at Beardsmore's. Gore Tagore is on friendly terms with Soodasun and with me also. Soodasun had a child, but it is dead. His wife sends me to see him every three or four days. When we took him to Beardsmore's we put him in a palanquin, shut it up, and placed two men to guard it on each side. The hurkaras forced him out of his house. I did not think it necessary to go to the police first. His wife ordered it. She did not take any pains to apprise his relations Joyarain and Marcon that it was necessary to send him to Beardsmore, nor did she direct me to do so. He remained in his palanquin two days after we took him to Beardsmore, without food; he always said 'take me back to my house.' I heard that Mr. Beardsmore took him out of his palanquin by force. His tenants will not pay their rents: only one tenant has paid since last Pous twelve month. The rent of the house in Chilpore Road has been collected by me.

*Mr. Beardsmore* re-examined.—The evidence as to his being in a palkee for two days without food is true; I did not say anything about this during my examination, because I was not asked. Drs. Mercer and Raleigh saw him in the palkee on the 2d of December. He was taken out of the palkee by force at my request. Some sweetmeats were brought to him; I sent them to Dr. Raleigh who analyzed them, and sent them to Drs. O'Shaughnessy and Goodeve for examination. Soodasun and one of my servants ate of the sweetmeats; my servant became sick, so did Soodasun. Arsenic was detected on analyzing the sweetmeats. Soodasun feeling himself sick, gave some to Bachoo, the servant, I put over him, and to Bachoo's wife. They were sick in consequence. All my inquiry was, who brought the sweetmeats, and Bachoo gave me to understand he supposed them to have been sent by Soodasun's wife. It may be that I did not take any precautions to ascertain who were his servants, or to learn to recognize them by their countenance. I have not taken any precautions to ascertain what persons are about him.

[Much surprise was expressed by the jury that the facts now stated by the witness had not been given in

evidence during his previous examination. One Samchund Seal, standing near the jury, was pointed out as the person who had given a clue by which the information was elicited from the witness. Mr. Nott ordered him to remain in Court for the purpose of being examined.]

*Shaik Bachoo*.—I am a khitmutghar at Beardsmore's, and attended Soodasun for the last five months. His wife sent him some sweetmeats; the Baboo's servants brought them. Soodasun told me to eat some, I said 'I am a Mussulman. Have you eat any?' He said he had eaten one of the balls, and it had made him sick and confused. I went and took them to Mr. Beardsmore, who asked me if Soodasun had eaten them with rice, I said no. He said, he dare say it was on account of his having eaten them on an empty stomach. I took some of them home. My wife told me she had eaten some of the sweetmeats, and had a burning in the throat all night in consequence. I eat some, and we were both sick. When I was looking at the balls, I found they looked quite saffron. I managed to go to the asylum next morning with difficulty, I did not go to the Baboo, but saw Dinoo, his servant there. I had taken one of the balls with me. At the time that I spoke to him, I was in a confused state of mind. I asked Dinoo where he got the sweetmeats; he said of the confectioners, but when I threatened him, he said a maid servant to the Baboo's family called Luckey, bought them. She was servant of that witness Nilmoney. When I made a noise Nilmoney came running and said to me, 'what is the matter? You are mad.' I said, it is this sweetmeat. I went away with the sweetmeat to show it to Mr. Beardsmore. He was not at home, I showed them to Mrs. Beardsmore, and detailed the circumstances. One servant only, Dinoo was dismissed; there were five altogether; who as well as Nilmoney remained at Beardsmore's. There was no enquiry made among the servants. Nilmoney resided upstairs. This took place about five months ago. About ten or twelve days after Soodasun became ill from purging and vomiting and took medicine. He was not attended by Dr. Raleigh at all from the time he was taken ill by taking sweetmeats to the time he was taken ill by vomiting. He is considerably better from the time he was taken ill.

*Samchund Seal* examined.—Soodasun told me that on his way to Benares in the boat he became sick, and had trembling in the limbs. After he came back he had 'six annas' worth of brain,' and was not capable of managing his affairs. Formerly, he was a very intelligent man. Soodasun never eat any thing touched by his wife. He told me his wife's ways are not as they ought to be. I had a power of attorney to act for him; now his wife has a seal for which she gives a receipt for the rents. Nilmoney is managing the business. Soodasun had desired me to burn and sell five lacs of bricks, which I burnt, but Nilmoney sold them.

*Soodasun* questioned by the jury.—Nilmoney. Fyzoo, and a native doctor put a mustard poultice across my bowels. I do not know what I am here for. I see what you are all about. I have understood what is now being done: as I cannot go about my own business, I require a person from the court here to conduct my affairs. There are houses left me by my father, I can form no opinion of the value of the property. About Rs- 30,000 or 40,000 may be the value of it. I did not receive rents on my return, because persons used to sit round and confuse me. They brought me rotten things to eat. I deputed Samchund before I went to the upper provinces to collect rent while I was away.

*Mr. Dickens* charged the jury, and particularly commented on the fact that Dr. Raleigh had not mentioned anything in his examination regarding the poisoned sweetmeats, nor had Mr. Beardsmore until re-examined.

The jury retired, and after half an hour returned with a verdict concurred in by thirteen of their body, that

Soodasan is of unsound mind, and incapable of managing his own affairs, and that he has been so for the last sixteen months.

The Court met again on Saturday last for the purpose of formally taking the signature of the jury to the engrossed inquest.—*Hurkaru*, April 10.

APRIL 6TH. AND TWO FOLLOWING DAYS.

(Before Sir E. Ryan and Sir J. P. Grant.)

Sittings after 2d term.—plea side.

*Sreemutty Siboocondery Dosse v. Sreemutty Comulmoney Dosse.*

The trial of this issue, which was commenced on Thursday, lasted during the whole of that and the three succeeding days.

Other witnesses were called for the plaintiff, and among the rest, Rajkissen Bysack, the alleged finder of the will. This witness deposed, that about a month or six weeks after the death of Hurrakissen, the son of the testator, five or six persons being present in the family house began to search the boxes, in which deeds and papers were usually kept, and at last discovered the present document; that this was the identical will formerly made, nearly the same persons being present at the making and at finding.

Mr. Clarke proposed to put in as evidence, the bill and answer and the decree in the original suit, for the purpose of shewing that the present defendant and all the other parties interested under the will, acquiesced in its genuineness at that time. He also wished to lay the foundation for reading the deposition taken before the examiner, of one of his own witnesses, since deceased, and also the former depositions of defendant's witnesses for the purpose of contradicting their present testimony.

The Court said, that it would be quite idle to treat the pleadings in the former suit as evidence, independently of the circumstance that it was not between the same parties. Nothing could possibly be implied, which could have the effect of concluding the defendant in the present issue, since the very point had been referred from the suit itself, and it must be considered open. But it was regular to put in the pleadings, or the decretal order reciting them, for the purpose of making the depositions evidence.

The pleadings and depositions were then put in, and this closed the plaintiff's case.

The Advocate General addressed the Court for the defence, and first pointed out certain contradictions and discrepancies in the evidence. The defendant did not deny that a will or a *hookumnamah* had been in fact made, and made to a certain extent under the very circumstances set forth on the other side; but the defence was that the will now in Court was not the same instrument. It would not be attempted to be established that the disputed clauses and bequests had been interpolated, but that a different paper had since been drawn up, and as the writing was not the testator's, as there was no signature either of the testator, or of a single subscribing witness, what could be easier than for the same person who wrote the first paper, to forge another? This view of the case entirely destroyed one of the chief arguments relied on by the other side. Then as to the story about the subsequent discovery of the instrument: no doubt such a scene might have been gone through, and the precious document now produced might have been found in the box as described; for it would be easy for the person who had placed the thing in its hiding-place to find it again. It was rather remarkable that the very same individuals, were alleged to be present at the making of the will, as at the finding. The whole of this scene was a mere got-up farce, invested with a mock

solemnity, and embellished by dramatic incident, in order to give plausibility to a falsehood and *éclat* to a forgery. There was certainly a considerable amount of testimony on both sides; but the plaintiff's witnesses were chiefly servants, who are generally ready to swear anything, or to do any thing at the *hookum* of their masters. Even if the testimony had been nicely balanced, the scale would be turned in favour of the defendant by the probabilities of the case. For the defence, relations of the family would be called who were present, and if subordinate servants were allowed to remain, it was extraordinary indeed that no relations should be permitted to be present on so solemn and important an occasion. The testimony of two of the chief witnesses was directly contradicted by persons, utterly disinterested, who had heard them make a totally different statement on a former occasion. It would be proved by unanswerable evidence that the genuine will was written on a smaller and narrower paper, and only on one side; that it contained no bequest to the widow, and that this circumstance was remarked upon, and explained by the testator, who said that his son was living and no special provision was required; and it would be further proved that when only one son is left, it is not usual to provide specially for a widow; but otherwise when there are two sons or more. Lastly, certain letters, written by the attorney in the cause, would be put in, which would shew clearly that the party giving the instructions, must have been then ignorant of the existence of such a will as the present; from which it might be inferred that the forgery took place, or the intention to forge was first suggested, at some subsequent period.

Witnesses were then sworn, who deposed to the above facts, and were cross-examined with great minuteness. The plaintiff's counsel put in the depositions taken in the Examiner's office, for the purpose of shewing a variance between their former and present testimony. The Advocate-General endeavoured to give evidence of a conversation between the father of the plaintiff (since deceased), and other parties, from which it would appear that the father either forged the will himself, or caused it to be forged. Mr. Clarke objected that this evidence was not admissible.

The Court said that they were satisfied that the father was sufficiently proved to be the authorized agent of the plaintiff, and yet they were of opinion that this evidence could not be received, because it clearly was not within the scope of his authority to bind her by a forgery. They reserved leave, however, to the defendant's counsel, to move the point, if a verdict should be found for the plaintiff.

Certain documentary evidence was then put in, consisting of the letters of the attorney in the cause, and the deposition of Gourmoney, a *purdah* female, daughter of the testator. By this lady's evidence, it appeared that four females of the family were present, and that she herself remarked, "My father has done something for every body, but what has he done for my mother?" which was repeated to the testator, who answered "Hurrakissen, my son, is living, and he will make provision for his mother."

The Advocate General was heard upon the evidence adduced by the plaintiff in contradiction.

Mr. Clarke then addressed the Court in reply, in a very ingenious and able speech of nearly three hours' duration, (to which we regret that our limits will not allow us to attempt doing justice.) He said that these clauses were treated as interpolations in the genuine will, when the original suit was instituted, and the present story that a second and different document had been forged, was a story trumped up at the eleventh hour for the purposes of this trial. If this instrument was really forged, it was singular that the alterations should have been made in so absurd and clumsy a manner;

nothing but absolute fatuity could explain it. Two of the defendant's chief witnesses, Radicamohun and Gourmonee, members of the family, were collaterally interested in impeaching this will. The amount of their interest did not indeed affect their competency, but it very materially affected their credibility. Nothing could be deduced from the letters written by the attorney in the cause. They were written with a pacific intention, and before hostile proceedings were instituted. The probabilities were on the side of the plaintiff; and the evidence of the defendant's witnesses exhibited far more of contradiction and repugnancy than could be pointed out in the evidence which supported the plaintiff's case.

*Sir E. Ryan.* This trial has now occupied the Court four entire days, and it certainly is altogether a most extraordinary case. Since I have sat on the bench, I have never witnessed such a vast amount of perjury and directly conflicting evidence. The *onus*, however, of establishing this will, is on the plaintiff, and we cannot say that she has succeeded in making out her case. It seems to us that the probabilities *prima facie* are against the insertion of such a clause as the present in the will of this wealthy Hindoo. The mother (defendant) and her son are admitted to have ever been on affectionate terms, and it is not likely, therefore, that the father would have gratuitously anticipated a quarrel between them, or provided for so improbable an event. It can only be on strong, clear, and satisfactory grounds that the Court can disinherit the testator's widow. We are of opinion, therefore, that the will has not been established, and that our verdict must be for the defendant.

*Verdict for the defendant.*

*Mr. Clarke, Mr. Nott and Mr. Grant* for the plaintiff.

*The Advocate General, Mr. Lieth, and Mr. Merton* for the defendant.

TUESDAY, APRIL 10, 1838.

(Before Sir E. Ryan and Sir J. P. Grant.)

Sittings after 2d term, — equity side.

*Sreemutty Suttobhomah Dossee v. Baujpaye Rajah, Sree Bejoychunder Deb.*

This was a bill for an account, and was heard *ex-parte*.

*The Advocate General and Mr. Prinsep* for the complainant.

*Maha Rajah Sibkristno Behadoor v. Kistnochunder Ghose, and others.*

The original bill was filed by one of the executors, and prayed an account of the real and personal estate of Maha Rajah Rajkristo Behadoor, deceased, against the real and personal representatives of the said Rajah. A cross-bill was filed by the representatives, and the original and cross-cause now come on for hearing.

*The Court* decreed that the causes should be consolidated, that a partition should be made of the real state, and an account taken of the personal estate, and that the general costs should await the final decree.

*The Advocate General* applied to the court to direct the costs of the commission of partition to be paid out of the estate immediately. If this was not done, the parties would be compelled to borrow money on personal security at exorbitant rates. Even in England, money was often directed to be advanced.

*The Court* said, that there was no instance, except under very special circumstances, of the costs being directed to be advanced out of the estate, until the final decree.

*Ramanauth Mookerjee v. Sreenauth Mookerjee and another.*

In this suit an application was made to the Court by the counsel for the complainant, that the cause might be referred to the Master to inquire and report, upon a suggestion that the complainant had become a lunatic since the filing of the bill.

*The Court* said, that this mode of application was not regular, and that the cause might stand over in the meantime. — *Hurkaru, April 11.*

WEDNESDAY, APRIL 11, 1838.

(Before Sir E. Ryan, and Sir J. P. Grant.)

Sittings after 2d term. — In Equity.

*Rajkristno Bonnerjee v. Tairanaychurn Bonnerjee.*

This cause being called upon *Mr. Clarke* rose and said that he had been instructed yesterday that the parties had come to a settlement, and that he had accordingly applied to the Court to call the case *pro forma*. He had just understood that the cause was not settled, and he was not prepared, therefore, to argue it now.

*The Advocate General*, admitted that his learned friend had certainly made a statement to the Court yesterday, from which he inferred that the cause was settled. But for his own part he had received an intimation in the course of the evening that this was not the case.

*The Court* recollected that *Mr. Clarke* had mentioned the matter yesterday, and they that now directed under these circumstances the cause should stand over.

*Stool over.*

*Sreemutty Nibbunmoney Dabee v. Shamloll Tagore.*

This was heard on argument on exceptions taken to the Master's report, and was the last cause on the Equity Board.

The sittings terminated this day. The sessions begin on Tuesday the 17th instant.

APRIL 17.

(Before Sir E. Ryan, Knt. and Sir J. P. Grant, Knt.)

LIST OF THE GRAND JURYMEN.

Foreman — J. W. GRANT, Esq.

R. C. Patton,	J. Jenkins,
J. Hunter,	W. Prinsep,
R. Davidson,	H. L. Christians,
A. D. Rice,	J. M. Dove,
C. A. Dyce,	L. Carmichael,
W. F. Fergusson,	J. Prinsep, and
J. P. McKilligan,	H. V. Bayley, Esquires,
W. Earle,	Baboo Radakissen Mitter,
H. Chapman,	Baboo Hurrishunder Dutt,
L. A. Arratoon,	Baboo Ramharry Dutt.
C. Dearie,	

After the Grand Jury had been duly sworn, the learned Chief Justice thus addressed them. He commenced by remarking to them that he was happy to inform them that their duties during the present sessions would neither be very protracted nor arduous. There were only three cases to which he would direct his observations on their nature minutely to them. Two of these he was sorry to inform them were of murders, and the other of highway robbery, — a crime which has hitherto, ever since he had the honor of sitting on this bench, been one of very rare occurrence; but he regretted to find that there were no less than four cases of that nature sent up for trial during the present sessions.

The first case to which he begged to draw their particular attention, was that of Hurree Mug, for the murder of his infant child, John Pereira. The particulars of it, from the depositions before him, appear to be these: Lydia Francisca, the mother of the child, appears to have been the mistress of the prisoner, who resided at Sibtolah Lane, and was at the time the crime is alleged to have been committed by the prisoner, an ayah in the employ of a lady, named Ogilvie, who resided at Chowringhee, where the prisoner was likewise entertained a short time previous to this murder as a cook. For some reasons unknown, he became dissatisfied with his service, and wished Lydia Francisca to quit the employ and return to live with him. This she refused to do until she had earned a sufficient sum to enable her to liquidate some debts which she then owed. This refusal enraged the prisoner, who, on the 27th of March, returned home, and on leaving the premises was heard to declare "very well, there are two lives, one here and the other with me." He was then followed to his house by the police peons, where the infant was shortly afterwards discovered murdered. It is for the grand jurymen under these circumstances to consider who had murdered the deceased.

The other case of murder, was one of more difficulty: it was that of Prosper Milliner, a Frenchman, who was accused of the murder of a syce named Buckaollah. The statement, as gleaned by Judge from the depositions of the witnesses in this case, which he remarked are very confused, are these. Two French sailors were on the night of the 4th of March last, met on the Chitpoor road by the deceased, and another syce between the hours of 8 and 9 o'clock p. m. and without any cause or provocation, as deposed to by the witnesses for the prosecution, one of these sailors wounded Buckaollah, the deceased, with a knife, which he then held in his grasp, from the effects of which wound he lingered till the 5th of March at the Native Hospital in the Dhurumtollah road and then died. It will be for the gentlemen of the jury to decide primarily whether the prisoner was the person who had wounded the deceased; and secondly, whether at the time the prisoner, if they are satisfied he is the man who had wounded the deceased, there was not any affray, and whether the prisoner had not been struck by any person before he wounded the deceased; and if so, whether the deceased was a party concerned in this affray or not. It has been proved, that the prisoner had bought these knives for his professional purposes. Now it has been provided by the law, that if any person has at the time any deadly weapons in his hand which he happened to have by him without any avowed purpose of wounding or injuring any person, and he happens to be struck by any person in an affray and retaliates with this weapon, and thus causes the death of the person who had struck him, the crime which he in that case is guilty of, is only manslaughter; for to constitute the crime of murder, it is requisite that a degree of malice and premeditation on the part of the criminal must be proved. But though this is a fundamental principal to constitute the crime of murder, yet it is not absolutely requisite in every case; for example, when a man has been proved to be what the law terms the general enemy of mankind, in a case where a person shoots with a gun indiscriminately into a crowd and wounds and kills some person or persons in it, he is guilty of the crime of murder. There are besides the evidence already alluded to, the dying depositions of the deceased, taken by Mr. C. K. Robison, one of the Magistrates of the Police office, in the prisoner's presence, and explained to him by Mr. P. Delmar, the interpreter. This the grand jurymen can have read before them, because the law provides that whenever any deponent in a criminal case dies before the trial of the case at the sessions, that depositions taken on oath, may be read as evidence during the trial. Besides this, there are the dying declarations of the deceased, as declared to third parties. These were, it is true, not on oath;

but if the deceased was in a condition which made him sufficiently conscious that he had but a short time to live, and made a declaration as to the manner of his death, that declaration is held voted in the eye of the law. It is for the jurymen to satisfy themselves whether the deceased, at the time he made these declarations, was in that state. In conclusion, the judge said, that the deceased's depositions as they were on oath could be read as evidence before the jurymen.

The third case was that in which a person was charged with highway robbery, for taking from the person of E. W. Bowbear, a gold watch. It appears that whilst Mr. Bowbear was watching in the streets for a friend at night, the prisoner came up to him and snatched out of his watch-fob a gold watch, and in doing so also tore the prosecutor's fob. The question it will be for the jury to determine is, whether that force which the law requires to constitute a high-way robbery which should be attended with violence and fear, was exemplified on this occasion. In the case of the King *versus* Mornes, it was decided by twelve judges, that when a person has a guard chain round his neck and violence is used to that degree as by two or three jerks to break this guard-chain, it constitutes a highway robbery; but where no such chain is worn or violence is used, the crime is one simply of taking from the person, and this, like picking pockets, is not a capital offence. Therefore it will be very material for the jury to determine whether in this case, which is about to be submitted to them, that violence had been used which would legally constitute it a capital offence or not. With regard to the other three cases, the proofs of violence having been used are more clear, particularly in one of them. In conclusion, the judge informed the jurymen that if they required his aid in elucidating any legal points in any of the cases which would be submitted to them, he would be most happy to offer them all the aid in his power. These were, he said all the cases to which he would beg to draw their particular attention at present; perhaps there may be more sent in during this sessions which may require his observations to them, and if so he would do so.

Mahomed Ruffick was tried for stealing, on the 30th of March last, several crockery plates, &c. from the premises of T. Barfoot.

Prisoner pleaded not guilty.

T. Barfoot deposed, that he lived in No. 2, China Bazar-Street, the prisoner, previous to his confinement, was a khansama in deponent's service for one year. Deponent, in consequence of some suspicions, accompanied by police peons and a servant of his named Ameer Khan, searched the prisoner's house near the Hindoo College. Prisoner was at the deponents house. One of his servants pointed out the prisoner's house to him. Then Mr. McCann produced the articles, and Mr. Barfoot identified them to be his property, because they matched with his set, a portion of which he produced in the Court, and he identified likewise a work box to be his daughter's property.

Honeeskan being dead, the thanadar who accompanied Mr. Barfoot in the search corroborated his evidence regarding this search.

This closed the case for the prosecution.

The prisoner said, that the property was his for a long time, and that he had purchased them and brought them from China. He further said that Mrs. Barfoot was in the habits of sending out her ayah's with goods to conceal, and charging servants to whom arrears of wages were due, with having taken them, and that he had adopted such a course against 25 persons in order to get rid of them, and their wages, and the ayah had in one instance been detected in thus conveying some peons away for that purpose, which she confessed. He likewise added, that Mr. Barfoot was a person who was capable of swearing to anything, because he quarrelled daily twenty times with Mrs. Barfoot, and then broke his oath and quarrelled with her again.

Deponent called three witnesses who confirmed these allegations of his.

The learned Judge then summed up the case, detailing the evidence, stating the law, and expressing the points as to the identifying these articles, which Mr. Barfoot had admitted were a very common pattern in the bazar. In conclusion he said, that if the prisoner was convicted of stealing even one of the articles, it was enough to find him guilty of the crime for which he was tried, which was simple.

The jury, after a short consultation, returned a verdict of guilty.

After the verdict had been recorded, the prisoner was sentenced to two years' imprisonment in the house of correction and there to be kept to hard labor.

The grand jury submitted to the judge to-day a petition relative to a commission issued in the case of an inquiry in a case of lunacy. The judge, on perusing it, said that he would direct the clerk of the Crown to lay the papers regarding it before the grand jury, to-morrow, if possible, and if they think fit they can, on its perusal, make a presentment to the court which would order the clerk of the Crown to prefer an indictment on that presentment against the person mentioned in the presentment. The petition was signed by D. Ross the foreman of the special jury, who sat on that inquiry of lunacy for himself and his fellow jurymen.

In the course of the day the grand jury returned true bills against the following individuals :

Abdoollah, for stealing on the 2d March last several articles of to the value of 25 rupees, from the house of Messrs. Cockerell and Co. in Clive Street.

George Lloyd and George Morgan, charged with stealing from the person of W. Tippen, on the night of the 14th March 1838, by force and violence, a musical snuff box valued at 14 rupees.

Pooteram. For having stolen, on the night of the 22nd March, a wooden box containing several brass articles, the property of Kidernauth Bose and his uncle Nundolal Bose, from their house in Puttuldangah.

James Arnold, charged with having stolen from the person of Henry Perks, on Friday, the 16th March 1838, 12 Bank of Bengal notes to the value Rs- 950 the property of the prosecutors.

Mahomed Ruffick, for stealing on the 30th March, from the house of his master T. Barfoot, in China Bazar, several articles of crockery-ware, glasses and a toilet box.

True bill against Meah Jaun for robbing from the person of Bebee Deljaun two gold chains to the value of 200 rupees, at her house in Cossitollah. The judge remarked, that a true bill for stealing, and not robbing should be returned ; the jury altered the finding consequently.

Henry Lemsele, for robbing from the person of Edward William Bowbear a gold McCabe watch at Rs- 250 No. 8157, on the 23d March 1838.—*Hurkaru, April 18.*

#### APRIL 17.

(Before Sir E. Ryan, and a Petit Jury.)

James Arnold was tried for stealing from the person of Henry Perks 12 bank of Bengal notes, of the value Co's Rs- 950.

The prisoner pleaded not guilty.

Henry Perks deposed, that he resides at Coiroo Melter's Lane, and is an engineer employed by William Prinsep, Esq. He has known the prisoner for upwards of two years. The prisoner was formerly a Boatwain to some trading vessel. On the 16th of March last deponent met the prisoner, at about 1 o'clock p. m., at the Cape of Good Hope punch house in the Lall Bazar Road, and prisoner informed him that he was in dis-

tressed circumstances and very thirsty, and that a person named Long had accommodated him with lodgings gratis at his house in Coiroo Melter's Lane. Deponent compassionated his case and gave him some money and treated him with a glass of grog. Whilst thus engaged they met Mr. Long, and the prisoner advised deponent, as it was late, to retire and sleep that night at Long's house, the American flag punch house. Deponent having obtained Long's consent to this proposition, left the Cape of Good Hope for the American flag, in company of Long and the prisoner. At about 8 o'clock p. m. or gun-fire, after their arrival at Long's punch-house, deponent gave Long some money, and he brought him a bottle of port wine and another of brandy, which they finished there and then. They all retired to sleep. Deponent laid himself on a cot in Long's house, and felt very unwell and was restless all the night, but he was not intoxicated. Shortly after deponent had laid down on the cot, the prisoner came to him and wished to cover him with a quilt, but deponent objected and said, that he felt himself warm enough without it. Soon after this the prisoner put his hand into deponent's pocket and drew out a sock from it, in which were the 12 notes and a memorandum of their numbers, given to deponent with the notes by Mr. Prinsep's sircar. After he had emptied the sock of these notes and this memorandum, he attempted to replace the empty sock in deponent's pocket, in doing which deponent who had been dosing all this time, started up and collared the prisoner and taxed him with the theft. The prisoner then threw the notes down under the cot and attempted to tear the memorandum of their numbers. In this he was prevented by deponent, who snatched the paper out of his hands and called to Mr. Long and desired him to get a constable to take the prisoner into custody. Long then came into deponent's room and helped him to pick up the notes, and they picked up ten of them at that time from under the cot. Long then went out for a constable, after he had stationed four chokedars at the door to prevent any person during his absence from entering or leaving the house. During Long's absence the prisoner struggled hard to escape, and said that these notes were his property. Long returned at about one o'clock p. m., with a constable, to whose custody deponent delivered up the prisoner. The constable took the prisoner to the police office and searched his person, to see if he had the other two missing notes about him, but found no money on his person. Hethen returned with deponent to Long's house, and, on searching the room again, they succeeded in finding the other two notes lying on the floor near the door of the room in which this transaction had occurred.

On cross-examination deponent stated, that he did not voluntarily give the notes into the prisoner's hands to keep them for him, on account of being too much inebriated at the time, and that they were not turned out of the Cape of Good Hope punch-house, because it was getting late, nor had the doors shut on them, and he never bore the prisoner any ill-will, nor did he promise to give Long 50 rupees if he would get the prisoner transported.

Constable T. Ware produced the notes, and the deponent recognized them to be the notes stolen from his person by the prisoner, and compared their Nos. with the memorandum in his possession, and said that they corresponded with the Nos. on the notes themselves.

The witness, George Long, corroborated the testimony of the first witness and said, that he had known the prisoner for about 18 months, a great part of which time he had lived at deponent's house, where monies had often been lying within his reach and if he had chosen to steal any he could have done it often, without fear of detection ; but he never did it. This is his first appearance of this nature. Deponent positively swore that he saw the prisoner take the sock out of Perk's pocket, empty it of its contents and then attempt to put the sock

back into it. The cross-examination of this witness by the prisoner elicited answers which excited the risibility of the persons present in the Court, and even brought occasionally a smile over the countenance of the worthy judge, and set some of the jurymen laughing. For example, he said to the prisoner; "When I saw you, Jimmy, take out the sock from Perk's pocket, I got up as fast as I could, but you and Perk's were too quick for me. Jimmy, my rooms have walls and even doors and windows. Jimmy, no house is built without them. I did not see you through a hole in the wall but through the door, where I was laying down and enjoying my glass of grog and a cheroot, which I always take before I go to bed. I told you it was too bad of you to rob Perk's in this way after his kindness to you. I am not a crimp but a register of seamen. You may call me what you like, it matters not to me. My house is not a dirty little hovel; it was good enough to shelter you in it at any rate: nor are my neighbours a parcel of black-eyes as you call them. They are Portuguese, and I have a friendly understanding with them all, in a neighbourly way, to be sure. They are good sort of folk—much better than you, it would seem, Jimmy. I never agreed to take 50 rupees from Perks to get you transported, and never heard Perks say a word about it. It would be an insult to me if he said so. I thought at the time Perks came with me to my house, that he had stowed the money away at the Bank as I had advised him in the early part of the day to do so; for when I spake to him about it, he said that he had planted it safe, and did not know that they were by him till you robbed him of them. We did not go reeling drunk from the Cape of Good Hope to my house, nor were we turned out. Perks does not drink grog; every day, and he was sober when he collared you for the theft." The prisoner remarked that he had a good six hour's sleep to sober him. Depo- nent said, that Perks was neither asleep nor awake at the time, but a snoring.

The prisoner, in his defence, said, that when Perks went with him to Long's he was to pay, and had been turned out of the other punch house. Before retiring to sleep he took out the sock and began to count the notes, but through intoxication he was unable to do this. Prisoner then asked him to let him take charge of the notes for him till he awoke sober, and the deponent handed them to him. He had no witnesses to call.

The learned judge then summed up the case, laying down the law and detailing the evidence, and said that the crime of which the prisoner stood charged was stealing from the person, and not a capital felony. He then informed the jury, that the only point at issue, is whether the prisoner had, as deposed on the part of the prosecution, taken the notes out of Perk's pocket feloniously, which, if true, and two persons have sworn to it as a fact, appears strange, that as they were both awake at the time, and sober when the prisoner took the sock out, they did not instantly seize him but allow him time to empty the sock of its contents, and not to collar him till he went to replace the sock in Perk's pocket: or whether it is likely that Perks had given the notes to the prisoner to take charge of for him, whilst intoxicated, as stated by the prisoner. It seems that by Long's account that this is his first offence of this kind, although temptations were in his way before and after. This is the chief point for the jury to determine.

The jury, after a long retirement of near two hours, brought in a verdict of acquittal, and the judge ordered the prisoner to be released.

#### APRIL 18, 1838.

In the case of the petition presented by the grand jury yesterday, regarding their wish to have the papers and the deposition in the case of a commission of lunacy which had lately been held in this Court, and in which the papers were to have been laid before the grand jury

to-day. The Chief Justice suggested to the jurymen, whether it would not be better, as perhaps some of the persons implicated in this transaction, and the witnesses which may be required, might be residents beyond the jurisdiction of this Court, which might cause great delay, to hand, as he had himself formerly contemplated, on a perusal of these depositions, the papers to some magistrate of the police of Calcutta, to make an investigation in this matter, and then hand them up with the depositions to this Court for trial during the ensuing season. But, if they preferred to investigate the matter themselves, and make a presentment on the case to the Court it was for them to decide.

The foreman of the grand jury replied, that he and his fellow jurymen preferred adopting the judge's suggestion.

Two sets of petit jurymen were impanelled to-day, to prevent the Court from being at a stand in its business in the event of the jury which took up the first case, being delayed in pronouncing their verdict on it from difference of opinion, and the gentleman selected, were desired to be in attendance at 10 o'clock A.M. for that purpose.

Pooloram was tried for burglariously entering the house of Kiddernath, and stealing from thence several articles, the property of the prosecutor.

The prisoner pleaded not guilty.

The particulars of this case are briefly these:

The prosecutor went, about a month ago, for one day and night to Kidderpoor, leaving his house in charge of Harrounder Doss. On his return, he found that his house had been burglariously entered during his absence, and several articles taken from thence. The thanadar of the thana was the person who had arrested the prisoner, with some of the goods in his hand. He, when challenged, gave a false name, but the thanadar recognized him to be an old offender, and took him into custody with the goods which the prosecutor's servant claimed to be his master's property. The prisoner and the articles were then taken in custody to the police office. The goods were recognized by the prosecutor to be his property. Owing to the servant who was left in charge of the house during the prosecutor's absence, being laid up with the small pox, he could not come to Court and prove the burglarious entry into the prosecutor's house, and the present charge therefore verged into barely stealing from the house.

The prisoner in his defence said, that this was a malicious conspiracy of the thanadar and his myrmidons. It was proved that he was an old offender.

The jury, after the judge had summed up the case to them, brought on a verdict of guilty of stealing from the house; and the judge sentenced the prisoner to two years imprisonment in the house of correction.

The grand jury returned true bills in the following cases to day:

Punchund Doss, for burglariously entering the house of Rameoond Mullick and stealing property therefrom.

Dabee Sing and Doonkul Sing, with having stolen wearing apparel, the property of Golab Sing, a durwan in the employ of Rustumjee, Cowasjee and Co.

Harree Mug, for the murder of John Pereira, his infant child.

Cheedam Ram Shaw and Ruggonath, for stealing from the house of Sabboo Raur, at Garrenhattah, various articles of value against the first, and the other two for receiving the same.

Nowcaure, for stealing several articles from the house of Ajeem.

No true bill against Khandim, duftry, Cauloo, duftry and Gungaram, for stealing from the presidency pay-office paper to the value of 70 rupees.

The grand jury was then adjourned till Saturday next, the 20th instant.—*Herkara, April 9.*

## MISCELLANEOUS.

## CALCUTTA.

**EXECUTION AT HOOGHLY.**—On the morning of the 21st instant, a notorious sirdar dacoit, of the name of Nundo Chung, expiated his crimes upon the scaffold in front of the criminal jail at Hooghly, in the presence of an immense concourse of spectators. He died as he had lived, a hardened villain, singing Bengallee songs on his way to the gallows, and shouting *hurree bol! hurree bol!* upon the scaffold, until the drop fell and put a period to his existence. He was a nephew of the celebrated Radha, dacoit, who was executed on the same spot in 1832, and suffered for his share in a dacoity attended with murder, which occurred in the house of one Mohun Sautra, at the village of Bansberria, in the month of October last. The example which has been made of this man and his gang (the greater part of whom has been sentenced to imprisonment for various periods) will, it is believed, be of the greatest use in putting a stop to dacoity in the Hooghly district.

**MORTALITY AMONGST THE HINDOO INHABITANTS OF CALCUTTA.**—The following appears to be the number of deaths which have taken place amongst the Hindoo inhabitants of Calcutta, from the 13th to the 18th instant, as appears from the reports of the two burning ghauts.

By Cholera.....	237
„ Small pox.....	75
„ Miscellaneous diseases.....	93
	—405

The reader must recollect that by our last report, the number was 927 from the 1st to the 12th.

**CHOLERA.** The havoc made by the cholera among the Hindoos is very extensive, and the cremation fires, are seen blazing in all directions, day and night. The deaths among the Mahomedans are not less few. So rapidly have they died, indeed, that their undertakers cannot afford time to bury them sufficiently deep, and the carcases are, in consequence, exhumed by the jackalls and pariah dogs, and exhibit a most disgusting spectacle. Several Europeans and East Indians, have likewise fallen sacrifices to the malignant pestilence.

**A NEW HOSPITAL.**—A hospital has, since the beginning of the current month, been established on the premises of the Medical College, for the benefit, principally, of the students of that excellent institution. It consists of two wards, namely the medical and surgical.

Drs. H. H. Goodeve, W. B. O'Shaughnessy and Egerton, take particular interest in it. There are already a great many patients fed and lodged there. The number of beds provided are twenty-four.

**STORM AT CONENAGORE.**—About nine o'clock on the night of the 19th instant, there was a violent storm at Conenagore, which threw down upwards of a hundred thatched houses, and laid prostrate between six and eight hundred trees of different species and sizes. Brick balustrades of pukka houses were also blown down. The blast was extremely powerful towards the river side, and near Hurrosonder Dutt's ghaut especially, where a dingy was driven very high ashore, and left there.

**AN ENGLISH SCHOOL AT TRIBENNY.**—The *Probhakur* announces the establishment of an English school at Tribenny, zillah Hooghly, by Baboo Jugguth Chunder Sein and Peary Mohun Sein, for the education of such children, whose parents have no means to pay for their tuition.

**FIRE AT MOJEELPOOR.**—A destructive fire happened at Mojeelpoor in the 24-Pergunnahs, on or about the 28th of last month. The number of houses burnt, principally thatched, and some brick built, was about a couple of hundred.

**RAIN.**—On the night of the 10th instant, a most refreshing shower of rain fell at Chinsurah, Bhauparab, Hauliahur, Kauchraparah, and many other places, over an extent of about fourteen miles, on both sides of the river; so that all the tanks which had been completely dry a short time back, were filled. The shower was preceded by a north-wester which destroyed several dingies a little to the south of the nulls called the Banger-khaul.

**DISSOLUTION OF THE MUNICIPAL COMMITTEE.**—The Municipal or Town Improvement Committee, has closed its labours, and, we presume, made its final report to Government on the subject of the investigations on which it was deputed.

**THE MANILLA PIRATES.**—The six Manilla pirates, who were released on the Queen's free pardon on Saturday last, have subsequently been apprehended by the police authorities, whose intention in so doing, is to have them conveyed from this country to the Dutch Government, to be tried by that Government, as the men whom they had murdered were Dutchmen.

**A WHITE CROW.**—The strange phenomenon of a white crow, was observed at the police office recently. The bird came out of a nest in the police office and has been captured and retained by Mr. Blacquiere, the magistrate.

**JOINT MAGISTRATES AND SUPERINTENDENTS OF POLICE.**—It is said that an order has passed the Council Chamber, sanctioning the appointment of joint-magistrates, on a monthly salary of five hundred rupees, and superintendents of police from amongst the unconvicted branches of the service, on a salary of 800 rupees per mensem.

**BANK OF BENGAL.**—Mr. Henderson has been appointed Deputy Secretary and Treasurer to the Bank of Bengal, on a monthly salary of Co.'s Re-1,000, from the 1st proximo.

Mr. Lee succeeds Mr. Henderson as accountant on a monthly salary of Co.'s Re-600, and Mr. Plumb, of the Treasury department, fills up the vacancy, occasioned by Mr. Lee's promotion, on a monthly salary of Co.'s Re-400.

This arrangement will give, we are assured, very general satisfaction; and reflects equal credit on those who made it and those who will benefit by it.

**RIOTERS AT BARRACKPORE.**—It is said that on several nights for some weeks past it has been the amusement of certain of the swelling spirits of the cantonment, flustered, it may be, with the flowing cup and full of mischief, to perambulate the streets, singing here, screeching there, and wherever a decent gate offered, of some particularly quiet family long a-bed, the same has been torn and twisted off its hinges, one half transported east, the other west, and haply left floating in some moderately distant tank, or shattered at the bottom of a convenient ditch. On one occasion, when a guard which had been kept till mid-night on the premises for their protection, had been withdrawn, our heroes assembled by the spot and with continued hooting, howling, hammering, and hurrahs, alarmed the whole neighbourhood, frightening, in particular, an invalid female into serious convulsions, from which she was not recovered without great difficulty. On another it is understood, we can scarcely yet believe it possible, that their madness gave the means of escape from his den in the park manerie to a tiger, whom we incontinently heard of as slaughtering the cattle around him, and who was not again secured until after the lapse of some hours, and from whose ferocity, that no accident occurred, involving loss of perhaps more than one human life, was extremely providential.

**ORDNANCE OFFICERS' BRIGADE COMMANDS.**—It is understood in quarters interested in the result, that the reference which is said to have been made to the Supreme Government regarding the claim of ordnance officers to succeed to brigade commands, has been decided in their favour.

**THE HULL OF THE STEAMER ENTERPRISE.**—The hull of the Government steam vessel *Enterprise*, was put up for sale on the 26th instant at Messrs. Moore, Hickey and Co.'s auction, but not sold, the highest bid being only 12,000 rupees.

**THE LATE MR. ROBERTSON'S.**—Three balloons, belonging to the estate of the late aéronaut Mr. D. Robertson, and which coast him according to the catalogue 2,300 rupees were also put up, and brought the enormous sum of fifty rupees for the whole three!

**TREASURY ADVANCES.**—The Government, will immediately re-open the treasury for the purchase of Bills secured by shipping documents. The rate of exchange has not been mentioned with certainty; but it has been quoted at 2-2 per Co.'s rupee, at six months' sight.

**AN EXTRAORDINARY BOY.**—There is at present an extraordinary boy, the son of a venerable Hindoo Priest, named Nobokisto Gosain, and aged apparently about five years of age. He resides at Malparah in zillah Hooghly. He has mustachios and beard the same as a grown up man, the latter being more than an inch long. He is stated to have been born with these appendages, but they were not, at the time of his birth, in that degree of perfection at which they have now arrived, as they were short and somewhat downy. He is taught to mutter prayers constantly, and is looked upon by the Hindoos with great veneration, as many among them believe that the body of the boy contains the soul of some saint.

**PRESENTS FOR RUNJEET SING.**—It is said, that Government have issued instructions for the immediate preparation in the Cossipore Foundry of two brass 9-pounder howitzers, mounted complete for field service, intended as a present from the Governor-General to Maharajah Runjeet Singh. The Howitzers are to be handsomely ornamented with suitable devices and inscriptions,

and when ready, will be sent up to Futtyghur by one of the inland steamers to be mounted in the Agency at that place, upon appropriate field carriages, from whence they will be forwarded on to the Political Agent at Loodianah, for presentation to the Maharajah.

**BISHOP'S TOUR.**—It is reported, that it is the intention of the Lord Bishop of Calcutta, accompanied by the Archdeacon of the diocese (who also we believe, combines in his person the joint offices of Chaplain and secretary to his Lordship) to proceed, in all June or July, upon a tour of visitation to the eastward.

**FAMINE.**—The most distressing accounts of the effects of the famine, still continue to be received from the north western provinces. Every exertion is made by the wealthier inhabitants to feed the famished population; but despite their care, hundreds are daily perishing through sheer starvation. Rs. 88,943-14-8 have been subscribed by the residents of Calcutta, for the relief of the famishing unfortunates.

**STEAM AND GAS.**—Two prospectuses are now in circulation, one of an inland steam communication and the other for lighting Calcutta with gas, both projected by Mr. Suwertrop, a Civil Engineer. We think both schemes well worthy of patronage.

**CHOLERA.**—The cholera still rages most fiercely and about two scores of persons are carried off per diem by it, within the town and suburbs of Calcutta.

**DHARJELING.**—A gentleman residing at Dharjeling, writes in raptures of the scenery and climates. The former, he says, is most magnificent, and the latter most invigorating. Thermometer at 8 A. M. 50, in the shade, and at 1 P. M. 58 on the 24th ultimo, during the night of which, snow fell in the neighbouring hill. Seven days were occupied by him in reaching the station from Titabya—two to the foot of the hills and five among them in the ascent. The road was very bad the latter part of the journey; but work-people were collecting for the purpose of repairing it, when Mr. ——— thinks the distance may be accomplished in three days from the plain. The Government have ordered a bazar to be formed as there is nothing of the kind at present. The neighbourhood contains all the materials for erecting substantial houses—excellent timber, good stone and lime, and men alone is wanting to bring these good things together for the accommodation of visitors. In a few years, a visit to Dharjeling will be as practicable as one to Simla, and at much less cost of time and money.

**NATIVE PREJUDICES.**—The Hindoo community in Bengal, and the greater part of the Mahomedans in it, have declined eating the refined Dhobs sugar, in future, because it is refined with bones, consequently they deem it to be impure to use for their domestic purposes. This has lowered the price of the refined sugar considerably in the markets here.

**A NEW DEBATING CLUB.**—The *Probhakur* announces the establishment of a new debating club for the benefit of native students of English, by the managers of the Hindoo Benevolent Institution. The first meeting of the members of the club took place on the 31st ultimo.

**ICE AND APPLES.**—A cargo of ice and apples, has been brought round in the *William Gray*. The apples are of a very superior quality.

The *Gasper*, with 322 tons of ice, 46 keys of grapes, and 180 half kegs of apples, arrived during the week.



**NATIVE CREDULITY.**—A rumour is afloat in the native community, that Mr.—, one of the secretaries to Government, is endeavouring to have a resolution passed, that henceforward no Hindoos or Mosulmans shall hold any appointment, of any description whatever, so long as he does not embrace christianity; but that it is not to affect in any way the present incumbents.

**THE PSEUDO RAJAH, PURTAB SING, OF BURDWAN.**—This individual tried at Barnagore to lord it over the zemindar of that place; but the latter soon collected a band of men with clubs, and made his rajahship decamp.

**PILOT'S STATION.**—Whether False Point or Point Palmyras be the best station for the pilot schooners in the S.W. Monsoon, has been long a *verba quæstio* in the marine department and with commanders visiting this port. Much has been said, and well said, on both sides, and names of great weight and experience in the pilot service respectively quoted in support of the views entertained by each. A notification has now been issued from the Marine Board, that a pilot schooner, the *Juno*, has been despatched to bring the matter to a practical issue. She will be relieved by another schooner at the end of four or five weeks, so that the opinions of the most intelligent of the pilot-service may be received, before any final determination for changing the station be adopted.

**STORM—FEARFUL LOSS OF LIFE AND PROPERTY.**—There was a thunder and hail storm on the afternoon of the 8th instant, which caused great damage and loss of life. Several places were struck by the electric fluid, and upwards of a dozen people killed by it, in Calcutta and the suburbs. The hail-stones, which descended most plentifully, were of extraordinary largeness. The largest crystal, picked up at Dum-Dum, was nine inches in length and three in diameter, and several of about sixteen inches in circumference and five in diameter, were picked up at the same place. Hundreds of men and cattle have been killed through or by the hail, and the greater part of the fruit, has been destroyed. The laborers at Kootghueta, on being severely struck by the hail, fled for shelter to the granaries there, which were thrown down by the violence of the storm, and, we regret to say, about three hundred laborers were buried under the ruins, and died. At Gurtiah almost every hut was knocked down, and several individuals perished. The villages of Bycantore and Ramnagar, have been utterly destroyed. About two thousand huts and brick built tenements have been destroyed in them, and from two to three lives lost in each dwelling, and about half the number of oxen and goats. On the banks of the canal, the trees have been laid prostrate, and several boats were raised from the water and laid high on land, and their crews either drowned or killed by the hail and lightning. At several other places the injuries sustained have been as great as those recorded; but no authentic report has been as yet received of them. The loss of life and property has been most awfully severe, indeed, and when the short time the storm continued is taken into consideration, unprecedented.

**MOHURRUM.**—The Mohurru festival has, as usual, been attended with riots and bloodshed, in consequence of the blind folly of the zelots of caste. The principal rioters were the ayces in the employ of Messrs. Cook and Co. and Messrs. Hunter and Co., and three lives, we hear, have been sacrificed to party feeling.

**THE LANDHOLDERS' SOCIETY.**—The members of the Landholders' Society are daily increasing, and we doubt

not in a short time the society will comprise the most respectable and influential zemindars, Europeans and native, throughout Bengal.

**NAUTICAL ENTERPRISE.**—A little vessel of forty tons, formerly the pleasure boat of Mr. J. Jenkins, of the firm of Jenkins, Low and Co., was recently fitted up for a sea voyage, and has proceeded to China under the command of Capt. Galle, carrying a cargo of ghee, tamarinds, chillies, &c. She is called the *Ossray*, and is reported to be as staunch a little craft of her size as any which has hitherto floated on the salt sea. We hope the intrepidity of the bold commander will meet with all the success anticipated, and the result of future employment be in full accordance with the expectation now entertained.

**MR. KITTOE.**—The surveyorship of the line of road between Midnapore and Sumbulpore, become vacant by the death of Lieutenant Abbott,—has been offered to and accepted by Mr. Kittoe.

**A NEW SHUBHA.**—The Hindoo community in the metropolis is in a great fermentation, not about any political affair, but about the reparation and preservation of the system of caste. Certain influential families in town, and some in the interior, are said to have been highly incensed at the unjust decisions which have of late been passed by the Dhurma Shubha in favor of certain wealthy culprits, who had sided against the rules of the Shubha and to the prejudice of those with empty pockets. Indeed, from an article in the *Prothakur*, it appears that if a rich Hindoo were to be guilty of a gross violation of the rules of caste, little or no notice would be taken of it by the Shubha, but a poor man, for the slightest fault imaginable, is sure to be excommunicated. The heads of the families in question are, therefore, about to set on foot a fresh Shubha, in opposition to the Dhurma Shubha, and in that case the latter is not likely to survive long.

**MORTALITY IN CALCUTTA.**—The mortality in Calcutta is still very great; upwards of a thousand deaths have occurred in the town and its suburbs during this month, exclusive of those caused by the hurricane, and of this number two-thirds have died of cholera.

**FAILURES.**—On the 12th instant, the respectable native banking firm of Kisin Doss and Oottumchund, in the Burrah Bazaar, failed.

By a native letter lately received from Mirzapore, it appears, that two shroffing houses of respectability at that place have lately failed.

**ESCAPE AND RE-CAPTURE OF A TIGER.**—At a very early hour on the morning of the 14th instant, intelligence was brought to Government House at Barrackpore, where the Deputy Governor's family were residing, that the large tiger had escaped from the menagerie and was prowling about the park. Orders were immediately given to apprise the inhabitants of the respective bungalows of the occurrence; and at the same time the sepoy were directed to keep their muskets in readiness. It appears that in locking the cell on the preceding night the bolt of the padlock had missed the hasp, and the tiger seeing the door swing open, had deliberately walked out. On his travels through the park, he took occasion to pat the head of a large monkey, chained near the menagerie, which proved its death-blow. In the morning considerable excitement prevailed in the neighbourhood

and an immense *posse comitatus*, composed almost entirely of natives, armed with no other weapons than bamboo rods, assembled together and proceeded in search of the royal fugitive. He was presently discovered behind a thick jungly hedge, stretched at his ease, but evidently in a sulky fit. After a brief deliberation two natives (one of whom was the keeper) fearlessly walked to the opposite side of the hedge, and thrust a bamboo, to which a rope was attached, underneath the body of the tiger. As soon as they had succeeded in securing the rope, each took hold of one end, and having poked the tiger's ribs pretty soundly with their bamboo-rods, they led him between them like a docile poney, and escorted by the shouting multitude, saugly deposited him in his former cell. It is extremely providential that no accident occurred. Visitors at Barrackpore are well aware of the ferocity often displayed by this very tiger; when strangers approach too near the bars, he occasionally springs for ward with a fierce and sudden growl, and at the time of feeding he is generally savage to an extreme degree. Fortunately the monster seems to have been too well fed the night before to be pressed by hunger during his wanderings in the park; for besides the murder of the unfortunate monkey, he felled a large bullock, yet he shewed no inclination whatever to feast upon his slaughtered victims.

**GENERAL MARTINE'S ESTATES.**—The undermentioned lots, belonging to the estate of the late General Martine, were disposed of at the annexed prices by sale to the highest bidder at the master's office:

Messrs. S. Smith and Co.'s house and premises in Hare Street, for Co.'s Rs. 60,000—(bought by themselves.)

Messrs. Moore, Hickey and Co.'s house and premises, for 30,000—(bought by themselves.)

Mrs. Lindsted's house and premises on the Circular Road, for 12,500—(bought by Mr. Wilkinson.)

**THE GOVERNOR-GENERAL.**—The Governor-General and suite, arrived at Simla on the 5th instant.

**THE SELECT VESTRY.**—A meeting of parishioners was held at the cathedral on the 16th instant, for the purpose of electing officers for the ensuing year. It having been determined that the old system of re-election should not continue in force any longer, but that the two senior vestrymen should go out as a matter of course, and not be eligible for re-election until they had been out of office a twelve month. Messrs. J. S. Judge and Robert Molloy went out, and were succeeded by Messrs. Thomas Leach and Charles Mackenzie, Messrs. A. Sim and Alexander Colvin were then re-elected to serve during the present year.

**NATIVE ASSISTANTS OF THE CUSTOM-HOUSE.**—A petition had lately been presented to the collector of the Government customs, by the native assistants attached to the establishment of the custom-house, setting forth their grievance from the invidious distinction which obtains in that office, between them and their christian fellow assistants, that is, in no instance is a native, however well qualified he might be, promoted to any place vacated by a christian; and submitting it as their right to be considered in this respect, as on a footing of equality with the christians, now that all classes of Her Majesty's subjects in this country, without distinction of colour, creed or caste, are eligible for all the offices under government. The Collector gave his orders upon the said petition to the effect, that, in case of a vacancy of

the above description occurring in future at his office, the native's claims shall have every consideration; and that should there be any among the petitioners possessing the necessary qualifications for the berth, there would be no obstacle to his getting the appointment.

**CANAL TOLLS.**—The Deputy-Governor of Bengal has determined to reduce the present rate of tolls upon the canals one-half, that is to say, to fix the toll at 8 annas per 100 maunds, instead of one rupee.

**DEATH OF PROFESSOR GHEASOODEN.**—The Madressa or Persia College of Calcutta has suffered a severe loss in the death of their principal professor Gheasooden, whose place has been given to the individual next in succession.

**INDIGO PROSPECTS.**—It is said the indigo districts have had ample and excellent rains all below Rajmahal; Bagnulpore, Tirhoot and the westward, have been less favoured.

**FORTUNATE ESCAPE OF THREE ROYAL TIGERS FROM A MILITARY SECRETARY.**—The Hon. Capt. Osborne has had a most unprecedented escape from an accident which, according to all calculation, ought to have proved fatal. When out tiger shooting in the Dhoon, three tigers suddenly got up under the very feet of his elephant which so affrighted the animal, that he literally shook his rider off his back. Captain Osborne is said to have actually fallen upon one of the tigers, and strange to say he escaped by the whole three tigers taking fright and running away.

**CAPTAIN J. A. CURRIE.**—Captain J. A. Currie, late of the Howrah dock has been appointed by the board to the situation of first unconvananted assistant to the secretary in the room of Mr. W. Peters, who resigns and goes home in the *Roberts*. The place had been promised by the two last officiating secretaries to the assistant who stood next to Mr. Peters; but Captain Currie's eminent talents and position in society, appear to have given him a preference. It is understood, however, that Captain Currie is to be made river magistrate, as soon as that office is created; and has accepted the present office as a temporary convenience, unless the members of the board double his salary to secure his valuable services.

**LIGHTNING.**—About ten o'clock on the night of Thursday last, a three storied house at Burra Bazar, occupied by, and belonging to, a Hindoostanee shroff, was struck by lightning. The fluid entered the house through the roof, and piercing through the second and first floor, went out at the street door. An account book was the only property destroyed by the accident.

**THE INTERMENT OF THE SUFFERERS IN THE LATE STORM BY THE MAGISTRATE'S ORDER.**—The magistrate of zillah 24-pergunahs, we are informed, has despatched Serjeant Floyd with a party of convicts to proceed to the villages which have been devastated by the late storms, and to bury the corpses of the persons who were killed by the violence of that hurricane. The bodies, we learn from persons who went to see these places, lie strewn in all directions, some with their arms carried away, some being minus a leg, &c. Cows and bullocks, had been driven so strongly by the force of the storm as to have their horns driven into the earth, and many lie dead in that posture. Brick-built buildings have been thrown down, and the bricks themselves hurled to a great distance by the tempest, and large cocoanut trees, &c. rooted from their original situation and buried four or

five feet deep in other places 30 or 40 yards distance. At one place, called Baddah, no less than 250 dead bodies were counted by the spectators. Females with their jewels on them, lie dead and untouched, the putrid smell being too offensive and considered infectious by the surviving villagers, so as to deter them from approaching these corpses, many of which were in a state of nudity, with the jackals and vultures feeding on them. The convicts who have proceeded to bury them, we understand, dig large holes in the earth, hurl the dead bodies promiscuously into them, and then cover them up. Native superstition ascribes the scourge to the curses of a fakeer, who asked for some charity of these villagers, and was refused by all except one old woman, whose house has consequently escaped the effects of this pest.

### MOFUSSIL.

**DELHI.**—A native, a female, who, to all appearances, had expired, when undergoing the process of ablution previous to cremation, shewed signs of life. Her humane and sagacious relatives around, ascribed her resuscitation to the evil spirit or some equally satisfactory cause; nor was it until the poor creature had been exposed on her funeral pyre the whole day and shewed unequivocal symptoms of life and consciousness, that she was borne home. Suttee is but half abolished while the murders that are frequently perpetrated in cases like the above, are suffered to take place.

It is said that one of the Sudder jung toms *furarees* has just been secured, after a desperate resistance, in which two of the cantors have been severely wounded. The name of the *furaree* is Jhoondja, and his companion Unta, had a narrow escape of being secured also.

**KURNAUL.**—The Governor-General has been holding a levee for the reception of the native community, a large portion of which has flocked to pay their respects to His Lordship.

**SAHARUNPORE.**—A conflict between a body of thieves and the police of a village called Bela in this district, recently took place, in which several of both parties were wounded. The magistrate proceeded to the spot on learning the affray, and seized the ringleader and others of the gang.

**ALLIENUR.**—Manik Rae Rao, of Bidjeegurh, a large village in this district, has been sentenced to seven years' imprisonment, in the jail of Allygurh, for being implicated in an affray, in which several lives were lost. The affray was caused by the Rae's attempting to enforce the levy of several dues, which he claimed as his right, from the bunneas of the village, but to which the latter refused to submit.

Small-pox is very prevalent here among the natives, and has extended to the European residents; Mr. Thornton, C.S. and Ensign Corsar, of the 64th regiment, have been attacked by the disease. The misery in which the poorer classes of the natives are kept by the scarcity, combined with the approach of the hot weather, will, no doubt, tend to make the disease more fatal.

**MOBADAHAD.**—The distress in this district, although not quite so severe as in many others, is on the increase;

and has hitherto been alleviated solely through the exemplary private charity of the judge, Mr. Okedon. This gentleman's good deeds are not performed for the sake of public exhibition, but are the result of qualities of which the possessor will always disdain the tribute of publicity or flattery. His private disbursements in charity have, for many months, been the only means of rescuing from starvation, upwards of a thousand destitute and famished human beings.

**AGRA.**—Cholera is on the decline, both amongst the troops and the inhabitants generally; and as the magistracy is putting a stop to a further influx of the destitute poor, in as far as practicable, by arranging so as to employ them at some distance from Agra, apprehensions of a pestilence breaking out are beginning to subside. It has been a mistake to conclude, that the congregation of these unfortunate persons, has been the cause of the cholera: as this disease is pretty well known now to arise from a peculiar condition of the atmosphere, rather than from animal or vegetable miasm; nevertheless, it has been found that larger masses of human beings, invite, as it were, attacks of cholera, and beyond doubt sooner or later in many instances are productive of doubtful malignant fevers; but the magistracy is now happily so well directed to the removal of the accumulation of all contaminating matters, both on the land and the river connected with the presence of these huge working parties and the population of Agra generally, so that little is to be feared in the shape of infection by a tainted atmosphere.

Distributors of cholera medicines have been placed at each of the twenty-eight chowkeys of the city.

Mr. Charles Lyall, of Calcutta, has presented the very handsome sum of 500 rupees, to the Relief Society.

The health of the city and station is slightly improving. The following list of the poor employed by Government shews a slight increase since last week:

April 1838.	Men.	Women.	Children.	Total.
12th ....	30,617	30,518	16,365	77,500
13th ....	30,617	30,518	16,365	77,500
14th ....	30,617	30,518	16,365	77,500

**THE AGRA PRESS.**—The Agra press, with all debts and property thereto appertaining, including, the *Agra Ukhbar* was on the 5th of April, disposed of by sale, to Messrs. Moona Lal and Co. of Agra. The editorship of the paper will be conducted as hitherto.

The number of poor employed by Government is daily on the increase: they now amount to 70,000. The following is a list of the number employed this week.

	Men.	Women.	Children.	Total.
1st. ....	27,418	27,920	14,919	70,257
2d. ....	28,018	28,520	15,219	71,757
3d. ....	28,818	28,920	15,519	73,257
4th. ....	28,818	28,920	15,519	73,257

**SHAHJAHANPORE.**—On the 28th day of March, the first steam engine in these provinces was put up in motion at the establishment of Messrs. Saunders, Barron and Co., and is a most interesting spectacle. The engine is of eight horse power, and is intended for sawing wood, raising water, and working a powerful air pump. The

air pump is to act in the twofold capacity—first, of creating and maintaining a vacuum under an immense boiler to be used in the making or refining of sugar, after the manner of the celebrated Howard's patent improved by Messrs. Osbes and Co. of London; second, of curing sugar by what is called the pneumatic process, which consists in placing the recently crystallised sugar in a case with a wire gauze bottom, and exhausting the atmosphere from beneath, when the air rushing through the mass, carries all the molasses below, leaving the crystal perfectly pure.

**DACCA, 24TH MARCH.**—A force consisting of three companies from Major Lister's light infantry corps, under the command of Lieut. Bennett, has been ordered to march against some refractory Cossyah chiefs, within a short distance of the Sanatarium at Cherra Poonjee. It is confidently expected the chiefs with their followers will soon be dislodged from the stockade, where they have taken temporary shelter, and will, probably, submit to any terms after the arrival of our force. A Government demand made by the revenue authorities for lands in possession of the above Cossyah chiefs, situated in the Sylhet district, treating our perwanas with unwarrantable insult, and committing outrages on the peons conveying those notices, are reported to be the ostensible causes of the present movement.

**CALPY.**—Cholera and fever prevail to a great extent at this town and the surrounding country. At Humeerpore and Benda an extensive mortality is raging, and almost all the villages are more or less depopulated. The latter station is represented to be unusually prevalent and severe. The mortality extends also to the cattle, few or none of which remain.

**BEHAR.**—The Collector of this zillah, Mr. Hamilton, has dismissed seven of his Amla, for peculation and embezzlement of the public revenue. The same gentleman has substituted Hindoostanee for Persian in his office.

The Rajah Meetur Jeet Singh has subscribed 1,000 rupees for the relief of the N.W. P. cholera and small pox are both raging throughout the district.

### NATIVE STATES.

**OWALIOR.**—The raja who lately lost his consort has just selected a fresh one, a daughter of the Mamajee, after sorrowing the usual Musulman period of affliction, forty days. This is the third partner he has taken to himself.

Hydrophobia to a fearful and unprecedented extent is raging in this town from the number of mad dogs in it. Native reports say the mortality caused by it is equal to that produced by cholera. So severe are the sufferings of the poor from famine that they devour the very animals, such as horses, buffaloes, asses, &c., that have died naturally from exhaustion.

**LUCKNOW.**—Letters from Lucknow state, that there is apparently something of serious nature going on in that city; and that the authorities are aware of what is going on, and have taken precautionary measures accordingly. The leave of all military men for the present month is

stopped. A fanatic now in confinement has predicted the downfall of the present reigning family; and the queen, the minister, and a wealthy and influential mahajun are said to have all died on the same day: the words of the letter are, "said to have all become defunct on the same day," which gives reason to suppose, that there is some conspiracy on foot to verify by the assistance of poison, the prophecy of the gifted individual now in custody.

**LAHORE.**—"An Urzee from Monsieur Uotaylor was received, stating that a Russian vakeel had come to Dost Mahomed Khan, the ruler of Cabul, for the purpose of negotiating with him.

An Ukbar from Cabul was also received, mentioning that while Captain Burnes was sitting with Dost Mahomed Khan at the Durbar, the Russian ambassador came into the presence, and, with a loud voice, said to the ruler of Cabul, that he would not recommend him taking that gentleman's advice, as the English nation would make friends of people and afterwards deceive and disposses them of their territories. Captain Burnes heard this in silence; when the Durbar was over, he returned to his quarters, from whence he despatched presents consisting of wines, sweetmeats, &c. to the ambassador, but they were refused and therefore carried back to Captain Burnes.

An Ukbar written by the Casee of Cabul was also received, which mentions that the Russian ambassador and Captain Burnes met at the Durbar of Dost Mahomed Khan where they had a long conversation, which ended in very angry words, consequent on some expressions from the ambassador disrespectfully made use of towards the English nation. The ruler of Cabul seemed to take notice, but continued the business of the Durbar, secretly enjoying the scene. They then said that they would go to Lahore, and examine its strength, and report the same to their respective Governments. Deenanath said to the Maharajah, that it would be a desirable object if they came into His Highness's presence and there made proffers of friendship.

The Ukbar also mentions that Dost Mahomed Khan wrote to his son Ukbar Khan, advising him to be cautious that the reports of Herat should not be allowed to spread.

The Maharajah inquired of Deenanath and Fakeer Azeezooddeen, if they could inform him how much money Herat yield. They at first replied that the pergunnah of Herat is large and yields one crore of rupees. They afterwards said its revenue was about thirty lacs; but the ruler receives only ten lacs.

At the Durbar of the Maharajah, an urzee was presented from Sawun Mul, Nazim of Multan, stating that a few days ago the Vuzeeres Musulmans had assembled in large body and plundered the cattle of Multan; but when the news of their depredations reached his ears, he assembled his forces, matched out and attacked them, when after a sharp conflict he succeeded in securing the cattle, completely routing the lawless banditti with a loss on their side of twenty-five killed and fifteen wounded.

**SHURTPOOR.**—The sickness so general, is very severe in this town. The Rajah has made arrangements for the distribution of medicine in the hope of lessening the calamity which is depopulating the city.

**KOTA.**—The Raja of this state has taken it into his head to dispense with the services of his Dewan, an arrangement to which the latter appears not disposed to conform, and as he is supported by a portion of the Raja's troops a small fracas is expected. The Rajah has referred the question to Colonel Alves.

### MADRAS.

**TROOPS FOR MOULMEIN.**—It is said that the troops under orders for Moulmein, are not to proceed there until further instructions are received from the General Government, the late pacific accounts by the *Larne* not seeming to require their immediate despatch.

The remainder of the 8th Regt. N. I. has not yet sailed for Malacca and Singapore, in consequence, it is said, of the want of accomodation in the Barque *Fanny*, which was taken up for their conveyance.

**THE NABOB—EXEMPTION FROM LEGAL PROCESS.**—A somewhat extraordinary application was made to the Supreme Court on the 28th of March, by the Advocate-General, on behalf of the Nabob, and by order of Government, but was not finally disposed of until the 30th. The Court was applied to make an order, exempting all persons contained in a certain list (comprising the Nabob's household) from its process. The application was refused on the board ground that the Court was incompetent to make any such order, which would be tantamount to making a law, a power reserved only to parliament.

**LORD ELPHINSTONE AND SIR ROBERT GRANT.**—It is generally understood, that both Lord Elphinstone and Sir Robert Grant are recalled; the latter having offended both the Home and the Supreme Governments; the former to fill a situation at Court. Sir James Carnac is mentioned as his Lordship's successor.

**THE SCHOONER FOR MADRAS AND MOULMEIN.**—The General Government has purchased a large schooner for Madras, to ply backwards and forwards between Madras and Moulmein, carrying troops. The uncertain tone of the Burmese King renders every precaution necessary, and makes it desirable that a constant communication should be kept up between Madras and Moulmein.

### BOMBAY.

**THE COMMANDER IN CHIEF.**—The Commander-in-Chief is going to cruise for the benefit of his health in the Hon. Company's ship *Tuptes* between Bombay and Surat, the present station of that vessel instead of going to the Mahabuleswar Hills, which it was His Excellency's intention to do, during part of the hot weather.

**CHOLERA MORBUS.**—A considerable deal of cholera prevails among the pilgrims who are congregated at Nasick, and that the victims to the disease are numerous, caused principally by the crowded state of a place to which so many went for the purpose of atonement and expiation.

**OPIUM AGENT.**—It is said, that the situation of opium agent, vacant by the death of Mr. Taylor, is to be abolished as a distinct appointment, and that the duties are henceforth to be performed by the Custom-house department.

**MOHURRUM AFFAIRS.**—The late mohurru festival has been attended with several excesses, which render it rather questionable whether the same indulgence ought in future to be extended to similar exhibitions. One mounted patrol has been murdered, and two police peons have been dangerously wounded, all in the discharge of their duty in protecting the public peace.

### BURMAH.

The accounts from Burmah during the month, do not differ from those previously received. The affairs of the country were in the same condition.

### PERSIA.

**ISPAHAN.**—The following interesting extract of a letter dated Isphahan, 27th January 1838, has been received.

"The winter this year is excessively severe. The street are literally covered with snow, and we are, in consequence, all shut up in our respective houses. We have no further accounts about the movements of Mahommed Shah, and it is difficult to say what will be the result of his expedition. You must have heard of the arrival of Nicholas at Erivan. The visit of his Imperial Majesty to the Convent of Etchmietchin has, I am glad to say, been productive of manifold advantages to the Armenian nation. He has been graciously pleased to testify his acquiescence of becoming patron to that venerable fraternity on whom he has bestowed twenty-four extensive villages in perpetuity, the revenues of which are to be appropriated to the maintenance of schools for the education of Armenian youths, and to the printing of the Armenian classics and other useful books. This is all very good and encouraging indeed! Better and happier days await the devoted country of the Armenians!"

### CHINA.

The accounts from Canton to the 27th of February, by the *Water Witch*, indicate no improvement in opium but on the contrary state, that there was a general expectation of the drug falling on the appearance of this year's supply in the market, none of which had been reported as sold. Last year's Opium was respectively, Patna 500 dollars, Benares 450 dollars, and Malwa 380 dollars, but sales were effected with great and increasing difficulties.

New opium was falling hourly, and sales of Patna are reported at 420 dls. Benares at 375 dls. There are discrepancies in the statements of deliveries and stock for the last year, which we are at a loss to reconcile with the shipments from here and Bombay, after making every allowance for the consumption of the Straits.

Without including Damaun, the export from India was about 41,000 chests, of which we have an account to the extent of 26,855 chests delivered and in store at Lintin, leaving nearly 15,000 chests undisposed of. It would be satisfactory to have this explained.

Some smuggling boats had been seized. Fast sailing clippers, for the Chinese rivers, of thirty to forty tons, are now fitting out in the Hooghly, to be manned by Europeans well armed, for the purpose of conveying the drug into places, less exposed than the sea coast to the observation of the authorities.

# THE CALCUTTA MONTHLY JOURNAL.

ASIATIC NEWS.

1838.

## MR. LINTON'S CONCERT.

We were in hopes, not only from Mr. Linton's choice programme, but the unusual coolness of the evening on Monday, that his concert would have been better attended. Malgrè the damper of such poor encouragement; he sang with great spirit throughout, and, with his invariable readiness, substituted a right jovial ballad for the promised '*Calunnia*' of 'an amateur,' who was *non est inventus*. The gems of the evening were, decidedly, the delightful performances of the Ryckmanns. Both the basso and the petit bassoon were exquisite, but the bijou of bijoux was the piano forte fantasia of the junior Ryckmann—the Thalberg of Ind. There was one pianissimo passage in it, which, what with the delicacy of his touch, the modulation of the pedal, and sundry other musical witcheries

of which we confess our technical ignorance, he so thoroughly captivated the hearts of his auditors, that we heard around us, many an irrepressible ejaculation of delight and 'special wonder.'

Mrs. Chester was in excellent voice, but, we think, the songs assigned to her were not judiciously chosen, inasmuch as her forte lies in those that require more *naïveté* in the singing than so sombre a one, for instance, as '*Gardez vous.*' Her '*Dashing White Sergeant*' and '*Buy a Broom,*' afford ample corroboration of this assertion. Mesdames Ventura and Valadares acquitted themselves very creditably, and Delmar led admirably: in short, all went off to the entire satisfaction of the audience.—*Englishman*, May 2.

## LANDHOLDERS' SOCIETY.

*Proceedings of a meeting of the committee, held at the Society's office, No. 3, Clive-street ghaut, on Monday, the 7th instant.*

### PRESENT

Rajah Radhacaunt Bahadoor; Rajah Kallykissen Bahadoor; Cowar Suttchurn Ghosaul; Baboo Prosonnocomar Tagore; Baboo Ramcomul Sen; G. Prinsep, Esq.; W. C. Hurry, Esq.; and Moonshree Mahomed Ameer, committee; Captain G. Vint, visitor.

The following gentlemen proposed at the last meeting, were unanimously elected:

Mr. R. Thomas, of Calcutta; Mr. J. C. Miller, of Goorka Rajeshye; Baboo Neelruten Halder, of Calcutta; Allan Gilmore, Esq.; J. McKilligan, Esq.; James Hastie, Esq.; Baboo Issurchunder, Kanoongoe, heir of Baboo Boydenauth, Kanoongoe, of Chittagong; Moulavee Kurrum Hussien, a vakel of Shaha Woodaha; Moulavee Karramut Ally, of Hooghly Emambarah; and Baboo Kally Kinker Paulit, of Calcutta.

The following gentlemen were proposed as members of the Society:

Proposed by Captain Vint, and seconded by Rajah Radhacaunt Bahadoor,

Mr. John Russel, of Pubna.

Proposed by W. Storm, Esq., and seconded by Baboo Prosonnocomar Tagore,

Mr. Robert Watson, of Calcutta.

Proposed by Cowar Suttchurn Ghosaul, and seconded by Baboo Ramcomul Sen,

Issurchunder Baneerjee, of Calcutta.

Proposed by Rajah Kallykissen Bahadoor, and seconded by Rajah Radhacaunt Bahadoor, that the committee be increased to twenty-four, by adding six European members, and that the following gentlemen be requested to serve:

Captain G. Vint; W. Storm, Esq.; Robert Watson, Esq.; James Hastie, Esq.; J. McKilligan, Esq.; and W. Fergusson, Esq.

Proposed by Captain Vint, and seconded by Baboo Ramcomul Sen, that the question of the vernacular language be discussed on the last Monday of this month, in order to give time to obtain the sentiments of all the members of the Society, and that the meeting be at the Town-hall—agreed unanimously.

WM. COBB HURRY,

P. TAGORE.

Hony. Secretaries.

Hurkaru, May 10.]

## IMPROPER USE OF THE AQUEDUCTS.

Calcutta, 4th May, 1838.

TO HER MAJESTY'S JUSTICES OF THE PEACE FOR THE  
TOWN OF CALCUTTA.*The petition of the undersigned inhabitants.*

Your petitioners having observed, with feelings of disgust, the filthy and abominable uses to which the water in the various aqueducts is appropriated, by all denominations of the native inhabitants, who are everywhere to be seen bathing their bodies over the very channels, attended with indecent exposure of their persons, washing dirty rags, hawking and spitting into the water, and applying it for the purpose of cleaning ulcerated portions of the body, beg leave to bring the matter to your special notice, under the confident belief that, as it could never have been intended that the water should be applied to such uses, but for the useful and desirable purpose of supplying the domestic wants of the people, watering of the streets and replenishing the public tanks, that the justice of the peace will adopt such measures, consistent with the authority which they possess, for the application of such wholesome restrictions, as the abuses which your petitioners have noticed so imperatively demand, and the health and comfort of the community merit at your hands.

As an efficient measure for the correction of the abuses complained of, your petitioners would suggest the propriety of the day patrols being authorized to eject parties from the aqueducts who resort to them for unseemly, uncleanly, and filthy purposes, or by any other mode which may appear advisable and expedient for the accomplishment of the desired object.

(Signed)

M. Johnston,  
James Jacobs,  
C. Gould,  
D. Clark,  
Charles Scott,  
J. W. Coomhs,  
P. Sutherland,  
Thomas Boaz,  
George Galloway,  
P. Collie,  
B. F. Harvey,  
H. B. Gardener,  
R. H. Bain, M. D.  
J. H. Madge,  
G. E. Smith,  
C. Kerr,  
F. Dubois de Saran,  
A. Dubordieux,  
F. Dormieux, junior,  
C. W. Lindstedt,  
J. W. Judah,  
F. Dormieux,  
W. Ryland,  
T. Bason,  
D. Parsick, junior,  
W. Clark,  
James Howatson,  
C. G. Simonin,  
C. F. Simonin,  
J. Simonin,  
J. Mechie,  
N. Kerr,  
Thomas A. Madge,  
George Hornett,  
T. Ross,  
John Dubordieux,  
R. Wright,

(Signed)

James Black,  
T. K. Crosby,  
T. Brae,  
W. DaCosta,  
P. S. Horn,  
A. Belts,  
H. H. DaCosta,  
C. H. Baptists,  
R. Smith,  
W. D. Ochme,  
L. H. Boileau,  
H. Smith,  
H. Boileau, junior,  
T. DeLaCombe,  
B. Harvey,  
W. Oxborough,  
F. D. Kellner,  
Alexander Aldwell,  
F. A. Madge,  
L. Manly,  
R. Palmer,  
W. Forestry,  
F. S. Ochme,  
J. Weston,  
W. Balston,  
R. G. Crahley,  
H. S. Mercer,  
John A. Schorn,  
B. S. Barons,  
James Hill,  
T. Howe,  
J. H. Howe,  
Robert Smith,  
W. K. Ord,  
S. C. Hornett,  
James A. Goodall.

[Harkness, May 5.]

## AGRICULTURAL SOCIETY OF INDIA.

A general meeting of this Society was held in the Town-hall, on Wednesday, the 9th May, 1838, at half-past 9 o'clock,

N. WALLICH, M. D., V. F., in the chair.

Present:—Messrs. A. Colvin, W. Storm, M. S. Staunton, W. Ainslie, R. S. Strickland, and J. W. Masters; Drs. Strong, Spry, and Hufnagle; Lieut. Abercrombie; Messrs. John Allan, A. Grant, T. Brae, T. Palmer, G. T. F. Speed, C. Dearie, C. Trebeck, F. L. Beaufort, and D. W. H. Speed; Col. McLeod; Dewan Ramcomul Sen; Baboo Dwarkanath Tagore; Messrs. T. Holroyd, C. W. H. Speed, Jas. Colile, R. Smith, C. A. Dyce, R. Watson, F. T. Fergusson, C. K. Robinson, G. A. Princep, W. Speir, T. S. Kelsalt, D. Hare, E. Preston, T. P. Morrell, C. Brownlew, and John Bell.

Visitor:—Lieut. Mentriou.

The proceedings of last meeting were read and confirmed.

The following gentlemen proposed at the last meeting were duly elected members of the Society:

Dr. James Morton; W. Bennett, Esq.; Wm. Agnew, Esq.; Robt. Campbell, Esq.; Andrew Sym, Esq.; K. M. Scott, Esq., Assistant Surgeon; Muneram Bar, Bemdaree; Lieut. J. G. Gerard; John Guilding, Esq.; G. C. Richardson, Esq.

The following gentlemen were proposed as members, viz.

Capt. H. Macfarquhar, of Tavoy, proposed by Mr. Bell, and seconded by Dr. Wallich.

Dr. James Hutchinson, proposed by Mr. Bell, and seconded by Dr. Wallich.

Thomas Savi, Esq., of Kishnaghar, proposed by C. Deverinne, Esq., and seconded by Mr. Bell.

E. Mackintosh, Esq., G. T. Cockburn, Esq., C. S., and Baboo Keenut Sing, Purneah, proposed by J. F. Cartcart, Esq., and seconded by Mr. Bell.

G.G. Mackintosh, Esq., C. S., Purneah, proposed by Mr. Bell, and seconded by W. Storm, Esq.

Rajah Barsingchunder Roy, and F. Kirenhoffer, Esq., proposed by G. Preston, Esq., and seconded by Mr. Bell.

G.M. Hunter and G. Austin, Esqrs., Jessore, proposed by G.M. Adam, Esq., and seconded by Mr. Bell.

Motions of which notice was given at last meeting.

No. 1.—Dr. Wallich's motion, to offer premiums for essays on particular subjects, was brought forward and discussed. As there appears to be considerable difference of opinion on the propriety of offering rewards on essays, while the sum of four thousands rupees was already set aside for the best work on Indian Agriculture in all its branches, and as it became a question whether the funds of the Society were adequate to meet the outlay contemplated by the motion in question, with reference to other objects for which the Society have already pledged itself, Dr. Spry, as the seconder of the original motion, moved as an amendment, seconded by Mr. G. A. Prinsep,

"That the four articles following be assigned as the staple articles deserving of the Society's support, for practical treatises, viz. cereal grains, sugar, silk and cotton; and that the details be referred to the general committee for report. Amendment carried. The secretary here submitted an account-current, dated 30th April, 1838, from F. Macnaughten, Esq., shewing that the Society has 19,000 rupees invested in Government securities, 10,000 of which unlocked up to meet Society's engagements, to meet the offer of premiums already voted away.

Motions Nos. 2 and 3, carried *nem con.*

#### NOTICE OF MOTION.

No. 1.—Proposed by John Bell, seconded by W. Storm, Esq.

1st.—That as most of the European vegetables have been brought to perfection in the vicinity of Calcutta, through the stimulating influence of medals and rewards from this Society, it is expedient to withdraw further encouragement from such as may now with safety be left to the profits of industry derivable from local consumption, and limited in favor of artichokes, asparagus, seakale, celery, parsnips and a few others that have not been brought to sufficient perfection to tempt uninterrupted cultivation for the market.

2d.—That the medals and rewards thus taken from vegetables be enhanced (with reference to the more expensive cultivation) and applied to *fruits*, hitherto neglected, there being little doubt that with care and attention, grapes, oranges, apples, strawberries, and other delicious fruits may be brought to perfection in Bengal, and indigenous fruits greatly improved.

3d.—That with a view to secure such a desideratum, parties having approved stocks be invited to contribute grapes (or to sell them to the Society) who will undertake to keep up a nursery for the distribution of young fruit trees.

4th.—That the sum of 500 rupees be annually set apart and laid out in the importation of fruit trees, from the Cape, America, New South Wales and Europe.

5th.—That Government be solicited to authorize the superintendent of the botanical garden at Seharunpore to send down grafts of fruit-trees and shrubs, and that the expense of transmission be borne by the Society.

6th.—That two of the Society's ordinary silver medals, and fifty rupees be placed at the disposal of each of the following branch societies, for the purpose of encouraging the natives to cultivate European vegetables as successfully as they are now established round about Calcutta, viz.

Hooghly, Burdwan, Beerbhoomi, Midnapore, Cuttack, Comillah, Moorshedabad, Azimghur, and Assam.

7th.—That a limited shew of particular vegetables shall be held in reference to the season of their coming to perfection.

That a shew of fruits shall be held annually in due season, and rewards given.

Motion No. 2. The secretary brought to the notice of the meeting, that the great increase of new members, had exhausted the stock of the Society's transactions, vols. 2 and 3, and that there were not many of the reprint of vol. 1. remaining.

Proposed by C. K. Robison, Esq., seconded by W. Storm, Esq., that the 1st, 2d and 3d volumes, be put into a second edition, and that the expense be ascertained and brought to the notice of the Society at its next general meeting.

The secretary brought to the notice of the meeting several samples of raw silk, and one sample of sugar, sent in by parties agreeable to a resolution of the Society passed in the 12th April, 1837, to compete for the Society's medals.

The secretary was directed to hand over these samples to the respective standing committees, upon whose reports the medals would be adjudged at the next general meeting.

#### REPORTS.

Read, the agricultural committee's report on the subject of the distribution of sugar-canes at the end of the year, concerning which an advertisement has already appeared in the public prints.

Read, the report of the silk committee on certain specimens of raw silk and cloth produced from the wild silk worm in Assam, Bhaugulpore, Dinagepore and Boncoorah,—referred to the committee of papers.

Read minutes of the caoutchouc committee recommending that the caoutchouc samples from Lieut. Vetch, should be given to Mr. Robert Smith, for purposes of experiment,—confirmed.

#### COMMUNICATIONS.

Read the following communication :

Read a letter from Mr. Robert Smith to the secretary, dated 11th April, requesting to be supplied with as much caoutchouc, as the Society can spare, and offering to pay for the same at the rate of eighteen rupees per maund.

The secretary had submitted Mr. Smith's letter to the committee, who were unanimous that Mr. Smith should have what was available, gratis. Resolved accordingly.

Read a letter from Mr. Robert Smith to Dr. Wallich, dated 7th May, submitting for the inspection and opinion of the Society some samples of caoutchouc cloth, which he had prepared as a substitute for wax-cloth for packing purposes.

From Lieut.-Col. Dunlop, dated Simlah, March 25th, to the secretary, advising the despatch for presentation to the society, of a parcel containing seeds of all varieties of hill forest trees, and several kinds of pine-canes which may be considered valuable for transmission to Europe and other cold countries, giving information respecting the description of vines grown at Koumawur, and promising to forward cuttings.

From Messrs. J. Willis and Earle, dated 12th April, presenting to the Society, on behalf Mr. Jeffries Finch, four specimens of apples grown in that gentleman's garden at Shalepore, Tirhoot, from English grafts.

	Inches.
1 Apple weight 25 Sa. Wt. measured in circum. 11	
1 Ditto " 21½ " " 10½	
1 Ditto " 15 " " 9½	
1 Ditto " 12½ " " 8½	



These beautiful apples were received by the secretary on the day after the last general meeting, and, fearing the apples might not keep, he circulated them as widely as possible. The fruit was equal to any at home, both in appearance and flavor, but Mr. Finch does not state whether these were solitary specimens, or whether the tree or trees bore much fruit.

From C. K. Robison, Esq. dated 14th April, enclosing extract of a letter from Major. Lawrence, dated Dorunda, near Hazareebaugh, 3d March, forwarding a small quantity of vegetable-marrows seed.

From T. Sandys, Esq., (without date), received 15th April, acknowledging receipt of Secretary's letter of the 16th January, together with copy of the Committee's report on his model, No. 2, of a machine for raising water, and offering a few observations in reply.

From Captain Macfarquhar, to the secretary, dated Tavoy, February 21st, forwarding presentation to the Society, specimens of caouchou, dammer varnish, and cotton.

Stating that the former has been manufactured under his superintendence, and that abundance of the gum can be procured in those provinces. That the sample of dammer varnish is made by bees on the same tree from which the resin is procured, and that the cotton is the produce of his garden from seed raised from Sea Island, and which seems to thrive well in that neighbourhood.

From Mr. Thomas, superintendant of the Baptist Mission Press, intimating that he will print the transactions on the same terms as prepared by the College Press.

From Colonel Stacy, dated 15th April, enclosing a sample of cotton, and requesting an opinion on its quality.

From R. S. Homfray, Esq., dated 18th April, presenting an apricot produced in his garden at Barripore.

The members of the agricultural committee had tasted this apricot. Its fragrance was very fine, but it was sour to the taste.

From Captain P. Torckler, dated April 19th, acknowledging the receipt of transactions, and stating the intention of the committee to agitate the question of establishing a branch society at Dum-Dum.

From Dr. A. Campbell, dated Nepal, 12th April, conveying further information on the subject of his former proposition of acclimating seeds in Nepal for transmission to the plains.

From C. H. Blake, Esq., dated — received 21st April, forwarding a bag containing two maunds of sugar to compete for the gold medal offered by the Society for the best sample "Muscovade."

From Captain Jenkins, dated 12th April, conveying information on the subject of Eria silk.

From E. MacIntosh, Esq., of Purneah, dated 16th April, in reply to secretary's letter of the 2d idem, on the subject of Indian cattle. Promises to give such information as his experience may admit.

From Mr. L. L. Leman, of St. Helena, dated 12th December, 1837, offering to become the Society's agent in London, for the purchase of cotton seed, &c.

From Dr. A. Campbell, dated 15th April, on the subject of correspondence respecting Nepal paper published in vol. 5, Transactions of the Society.

From Major J. D. Parsons, dated Cawnpore, 16th April, promising, in reply to secretary's letter of the 2d idem, to give some additional information on the subject of Indian cattle.

From R. Montgomery, Esq., dated Allahabad, April 18, asking for a supply of cotton seeds for distribution in the district.

From M. G. Rose, Esq., of Ramnaghur Factory, vis Coolbariah, forwarding a box containing samples of raw silk to compete for the medals offered by the Society.

From William Storm, Esq., dated 30th April, forwarding samples of silk, to compete for the medals, prepared by Mr. A. McArthur, at the Bamundee concern, in zillah Nuddeah.

From N. Alexander, dated 26th April, enclosing a memo. of the mode adopted by him in rearing artichokes.

From the secretary to the Meerut Society, dated 18th April, advising the despatch of some samples of wool for the opinion of the committee. Acknowledges receipt of the secretary's letter, with copies of the cattle Committee's pamphlet.

From W. Storm, Esq., dated 8th May, forwarding some wool taken from English imported sheep.

From H. C. Hulse, Esq., dated Muttra, March, 20th forwarding four samples of wool, viz. two of white, one of grey and one of black, shorn from Merino sheep reared under his care, and conveying some information on the subject.

From the same, dated Muttra, 6th April, transmitting, for the inspection of the Society, samples of grass and grass atta, procured in that part of the country; stating that these varieties of grasses are the present means of subsistence to a large portion of the natives of that district, and that the fact of their being made use of as food appears to be but little known, even to parties long resident in India.

From the same, dated 10th April, acknowledges receipt of secretary's letter in reply to his communication, on the subject of a horse-breeding establishment, &c.

From Dr. J. T. Pearson, dated Jaunpore, 23d April, acknowledges receipt of secretary's letter of the 16th ultimo, returning his communication on cochineal.

From W. Cobb Hurry, Esq.; dated 30th April, presenting an ear of Pennsylvania maize.

From Mr. Hugin, dated 4th April, Kedgerie, acknowledging receipt of parcels of books, &c., intended for the Agricultural Society of Mauritius.

From Mr. A. Millett, no date, received 8th May, forwarding 12 musk melons, of the same description as those presented last year.

From Captain G. C. Dicen, dated Mhairwarrah, 22d April, advising despatch of a quantity of Lucerne seed, for presentation to the Society, and intimating his willingness to forward a further supply at the close of the rains; stating his intention of sowing a large tract of land with cotton-seed and maize, the produce of seed furnished by this Society.

From the Reverend J. Parry, dated Jessore, 17th April, presenting to the Society, about half a maund of Sandoway tobacco, and a quantity of Madras tobacco, growing in that district, from seed supplied by this Society to Mr. Cathcart, also a specimen of the soil. Requests an opinion on these samples, and information on the culture and preparation of the plant; stating that he has collected a large quantity of seed from both varieties in distribution at the district.

From Major Syers, secretary Agricultural Society of Cuttack, dated 4th May, advising despatch of samples of Virginia tobacco and Upland Georgia cotton, produced in the Society's garden at that station from seed furnished by this Society.

From F. Macnaghten, Esq., Government agent, dated 2d May, enclosing account-current up to the 30th April, 1838, showing the sum of 19,900 rupees, to be lodged in Society's fixed assets, in Government securities.

From M. G. Maxwell, Esq., M. D. of the Madras establishment, dated 9th May, asking for the coloured drawings of tobacco plants, presented by that gentleman to the Society sometime ago, if not required, for the purpose of being forwarded to Dr. Wight of Madras.

Dr. Maxwell also gave some useful hints as to the manner of preserving seeds from insects,

Some fine parsnips were submitted by Mr. Kirchoffer, the produce of his garden at Ballygunge.

Dr. Wallich submitted a small squash grown by Mr. R. Smith from English seed.

The thanks of the Society were ordered to be offered for all the above communication and presentations.

JOHN BELL,  
Secretary.

Town Hall, Calcutta, 9th May, 1838.

[Hurkaru, May 10.]

## LANDHOLDERS' SOCIETY.

Proceedings of a meeting of the committee held at the Society's office, No. 3, Clive-street ghaut, on Monday, 30th April 1838.

### PRESENT.

Committee—Rajah Kallikissen Bahadoor, Baboo Prosonocoomar Tagore, Baboo Ramcomul Sen, G. Prinsep, Esq. W. C. Hurry, Esq. Moonshee Mohamed Ameer.

Member—Capt. G. Vint.

Visitors—Baboo Bhubanychurn Mitter and Baboo Bindabun Bose.

Mr. George Preston proposed at the last meeting, was unanimously elected a member of the Society.

The following gentlemen were proposed as members of the Society :

Proposed by a letter from T. Dickens, Esq., and seconded by Captain Vint,—Mr. Thomas, of Calcutta.

Proposed by Baboo Prosonocoomar Tagore, and seconded by Mr. Prinsep,—Mr. H. Miller, of Goorka, Rajeshye, and Baboo Neelrutton Halder, of Calcutta.

Proposed by Captain Vint, and seconded by Baboo Prosonocoomar Tagore,—Allan Gilmore, Esq. J. McKilligan and James Hastie, Esqrs. of Calcutta.

Proposed by letter from Baboo Ramrutton Roy, and seconded by Moonshee Mahomed Ameer.—Baboo Esenchunder, Kanoongoe, heir of Baboo, Boydenauth, Kanoongoe, of Chittagoug; Moulavee Kurram Hussien,

a vakeel of Shaha Woodaha ; and Moulavee Kurramut Ally, of Hooghly Emambarral.

Proposed by Baboo Ramcomul Sen, and seconded by Baboo Prosonocoomar Tagore,—Kallinkiner Paulit, of Calcutta.

A petition to Government by a zemindar of the district of 24-pergunnahs was submitted to the consideration of the committee.

Resolved, that the petition be considered at the next meeting, and of which notice to be given by the circular. The following resolutions were agreed to :

Proposed by Rajah Kallikissen Bahadoor, and seconded by Baboo Prosonocoomar Tagore, that the weekly proceeding of the meeting be published in Bengalli in the *Chundrika* and *Darpan*.

Proposed by Captain Vint, and seconded by Rajah Kallikissen Bahadoor, that as the question of the vernacular language is important, the discussion be postponed, and notice to be given by circular, stating its taking place at the next meeting. Notice was given by Baboo Ramcomul Sen, that a list of subjects connected with the revenue and judicial system of Government, which involves the general interest of landholders, be submitted by him at the next meeting.

WM. COBB HURRY,  
P. TAGORE, Hony. Secys.

[Hurkaru, May 10.]

## CALCUTTA CHRISTIAN INSTRUCTION SOCIETY.

At a public meeting of the Calcutta Christian Instruction Society, held in the old church room, on Tuesday evening, the 8th May, 1838,

The Lord Bishop of Calcutta, *Patron*, in the chair,

Moved by the Ven. the Archdeacon, and seconded by the Revd. F. Wybrow,

I.—That this meeting feels thankful to hear of the gradual progress of the society, as manifested in the report just read, and recommends that the report be printed and circulated for general information.

Moved by the Revd. Mr. Norgate, and seconded by the Revd. Mr. Ruspini,

II.—That this meeting feels it to be the indispensable duty of every Christian to impart the knowledge of his religion to his fellow-creatures, and, especially, to the domestics of his own household, and that, as this society holds out peculiar facilities for this purpose, it earnestly

recommends to the Christian heads of families to avail themselves of those means.

Moved by Capt. Birch, and seconded by Geo. Alexander, Esq.

III.—That the following gentlemen be the office-bearers of the society for the ensuing year, *vis.*

*Patron.*

The Lord Bishop of Calcutta.

*President.*

The Venerable the Archdeacon of Calcutta.

*Committee.*

The Revd. R. B. Boswell, Capt. Johnston,

Wale Byrn, Esq.,

Captain Richardson,

Dr. Corbyn,

C. K. Robison, Esq.

The Revd. H. Fisher,

Revd. W. O. Ruspini,

The Revd. H. S. Fisher, Revd. J. C. Thompson,  
 The Revd. A. Garstin, Revd. F. Wybrow,  
 T. S. Kelsall, Esq., Revd. K. M. Banerjee.

IV.—That the thanks of the meeting be offered to the Lord Bishop of Calcutta for kindly presiding on the present occasion.

REVD. T. SANDYS, *Secretary*.

### THIRD REPORT.

An unusually long time has transpired since the publication of the last report of this institution. The society was established in May, 1832, and the first report was published at the end of the next year; the second report also was published at the end of 1834, and since that time no report has been published until the present one. The reasons for this delay have arisen, partly from the circumstance of the operations of the society being of a very simple and unobtrusive character, and partly from the desire not very rapidly to increase the operations of the society, until such labourers might be available to carry on the work as could have confidence placed in them by the committee, both as to their own Christian character, and their capabilities of doing their duties in such a manner as, with the Divine blessing, to bring the truth of the Holy Scriptures to bear upon the hearts and consciences of those who are visited by them.

The readers who have been in the employ of the society since the publication of the last report, are Raja Aghae, Joseph Russic, Lal Ghose, Jutti Ali Ali, Preme Mussee, Samuel Ombika Churn, Meer Jan Jane Sheeky, and Mr. De Mattas. Those just at present employed are Raja Aghae, Samuel Ombika Churn, and Sheetol; of the rest Joseph is now engaged as a Catechist at Culna. Preme Mussee and Jane Sheeky went to situations of usefulness up the country where the latter is still usefully engaged in connexion with a school. Jutti Ali Ali and Meer Jan found other employment more congenial to their feelings, and Mr. De Mattas was attacked by cholera last March, and departed this life in peace and in the steadfast hope of entering upon a joyful immortality through the merits of our Lord and Saviour, Jesus Christ, thereby proving that he himself was experimentally acquainted with those truths which he had been going about to impress upon the minds of others.

Raja Aghae attends at the houses of fifteen subscribers and reads the Scriptures therein on an average to about 150 natives weekly, who, in almost every instance, hear the Gospel with attention, very frequently ask questions upon what has been advanced, and, not unfrequently, hold disputations with the reader concerning those truths which are revealed in Holy Scripture. In only one or two instances can it be said that the people give no attention whatever. Portions of Scripture and of the Liturgy, Homilies, and Christian tracts, principally in Hindustani, have also been distributed to such persons as were able to read, and desirous or willing to receive the same.

Samuel Ombika Churn attends at the houses of twelve subscribers weekly, and therein reads the Scriptures to about one hundred and twenty persons during the week. This reader also attends weekly at a benevolent institution, in which are usually congregated about fifty natives from all parts of the country, to whom he reads the Word of God. From the report of this reader's visits, it appears, that most of the hearers listen attentively; some hear but do not consider, some question with a view to obtaining a solution of their doubts, and others, with a desire to confound and refute, and to make it appear that which is advanced in the Holy Scriptures, however true, it may be

in itself, and however proper, it may be for Europeans to receive, yet that it is not suitable for them as they are already in possession of a religion of their own.

Sheetol attends at present at only five houses in which about ninety natives assemble and hear him read the Scriptures, and concerning whom it is reported that they do so with attention, frequently holding disputations concerning the doctrines of revelation, and asking questions for the solution of their doubts.

The late Mr. De Mattos, a native of Portugal, was a convert from Popery; soon after his arrival in this country from Lisbon under the ministry of the late Revd. David Brown at the Old Church; he was engaged as a reader in 1835, with a view to his visiting the numerous families of the Portuguese, with which this city abounds, most of whom continue to live in very great darkness with respect to Scriptural truth; since the time of his appointment, about three years ago, to that of his death, he has been constantly engaged in going about from lane to lane and from house to house reading the Word of God to numerous Portuguese families in their own language. During that time he has read the Scriptures to about seventy different families monthly, or, in other words, he may be said to have held about seventy Bible class meetings every month reading the Scriptures, and encouraging the hearers to hold conversation upon the truths of God's Holy Word, and concluding with prayer. It is sincerely hoped that the seed of Divine truth which has been sown by this labourer will prove a blessing to those families who have enjoyed the benefit of his visits.

All the readers are expected, when not engaged in visiting their stated hearers, to devote their time to endeavouring to draw the attention of their countrymen to the consideration of the truths of Holy Scripture.

The following communications received from some of the members, shew, that what is doing is at present only the breaking up of the fallen ground of the heart, which is pre-occupied by all the error and vices of Mahomedanism and Hinduism: they also shew, that there is reason to hope that some of the seeds of Divine truth sown by the labourers of this society may find in some hearts a soil in which it will germinate, take a deep and cortery root, and eventually spring up and bring forth the fruits of righteousness and peace to the honor and glory of our God and saviour, and the salvation of immortal souls. If the husbandman wait for the precious fruit of the earth, and hath long patience for it, until he receive the early and latter rain, it surely becomes the spiritual husbandman to be patient, to be instant in sowing the seed of Divine truth, and to persevere in prayer for the enlightening and sanctifying influences of the Holy Spirit to cause that seed to be productive of repentance, faith, and holiness, in the hearts of sinners of mankind, and be instrumental in preparing many an immortal being for the service and love of God, here below, and for the enjoyments and employments of the everlasting kingdom of heaven above.

One writes, "In reply to your note, I am sorry I cannot bear testimony to any good result as yet produced upon the minds of my servants, who are in the habit of hearing the scriptures read once a week; but as they shew a willingness to listen, some more than others, there would seem reason to hope for the Spirit's influences, notwithstanding the difficulties which apparently obstruct the immediate conversion of adults."

Another writes, "The servants still continue to give us a great deal of trouble in summoning to assemble, which, if left to themselves, they would never think of doing; there is, consequently, no spirit of enquiry or any visible change of sentiments, but we hope for better times, and, therefore, desire to labour humbly under that hope."

A third states, "I am happy to say the servants attend to the instruction, with care, and acknowledge the truth of the doctrines preached to them; but, that is all. One man, a Hindoo, who has left Calcutta for his country, I had great hope of, and if it please the Lord, I trust he will come back, he altered his conduct, and improved in every respect; and not only acknowledged but felt the truth of Christianity, and plainly told me his intention of embracing Christianity on his return. One of my servants is learning the English language of his own free choice, I trust it will be blessed to him. Upon the whole, they seem to be more willing to hear now than they were about two years ago, and more attentive: they prefer being spoken to in the Hindustani language. One of my women servants related the explanations she had heard here to some of her acquaintances at the house of a friend of mine, and those servants entreated to be spoken to also; they were so, and they seemed highly gratified."

Another writes, "I am sorry I have nothing particular to mention respecting the Christian Instruction Society: most of my servants are Christians, and they appear glad of every opportunity afforded them of hearing the Scriptures read, and I am thankful to find them attentive and consistent."

Another communication is as follows: "I regret to state, that little or no effect appears to have been made on the minds of my servants as respects the Christian instruction they receive on the Sabbath day. I have endeavoured to encourage them to put any questions they thought proper to the reader, and to enter into discussions relative to the truths of Christianity and the tenets of their own belief. For some time they availed themselves of the privilege; but, latterly, they appear contented to attend, listen, and go away unconcerned; and, it appears to me, that several of them would not attend, but from the fear of incurring my displeasure. Our only comfort under this discouragement is, that we are doing our duty in holding forth the light of truth to a very ignorant portion of our fellow-creatures, leaving the result to the All-Wise disposer of events."

Another member writes, "I have received your note inquiring what effect has been produced on the natives in my house from reading the Scriptures in their hearing by the agents of the C. C. I. Society. I am sorry I cannot give you satisfactory information on this subject, because of my inability to converse with them, unable as I am to speak in any of the native languages. All I can say is, that during the reading of the Scriptures in their hearing they listen respectfully, and often with apparent interest, and I should regret if the practice of reading to them were discontinued."

"I have the pleasure of acknowledging the receipt of your letter of the 25th April, requesting a communication on the subject of the effect that the regular reading and expounding of the Scriptures have had on my servants, and in reply I regret that I have nothing to report, (I wish I had) beyond regular and apparently willing attendance. Some of them acknowledge what they hear to be truth, but, as far as I can judge, their hearts appear untouched!"

"Though I cannot see any fruits, I am glad to have the blessed Word read to my people, and the Gospel simply preached in my family of dependants, and I trust to have the regular attendance of the men you now send, as it may not be always in vain that these privileges are imparted to my poor servants."

"The society must, I think, commend itself to every Christian heart. The recollection that we are daily receiving attention and service from those who are perishing for lack of knowledge, is most painful. How sad this constant habit showed in any degree, renders us indifferent to such a state of things, yet we all feel that it does, without great watchfulness. This society reminds us of our responsibilities, and tends to keep alive our sympathy for the stranger that is within our gates, and I have found it useful in this respect even to pray to our soul."

**Funds.** The total amount received since the publication of the second report is Re- 2,410 4 annas and 0 pie, and the amount expended during the same time is Re- 2,367 8 annas and 0 pie: there is, therefore, a balance of Re- 42 12 annas 0 pie, in hand.

The experiment of reading the Scriptures to the domestic servants of Christian families having now been carried on for the last six years, the committee feels convinced that it is now time to attempt to bring the labours of the society to bear more extensively upon those individuals for whose benefit it was more especially established. They, therefore, now beg to invite the heads of Christian families to follow the example of those who have attempted to bring their domestic servants, so far as circumstances would admit, within the sound of the blessed Gospel, and for that end to obtain the services of a Christian reader, for the purpose of meeting their domestics at a certain convening hour, once, twice, or oftener per week, as circumstances may suggest, and of reading to them, in a language which they can understand, the Gospel of our Lord and Saviour, Jesus Christ. There is one point to which the committee would especially invite the kind attention of those persons who are desirous of benefitting their native dependants, and that is, the desirableness of one of the members of the family kindly devoting the hour of the readers visit to the object of that visit, and as frequently as possible remaining present during the reading of the Scriptures and the discussion which usually takes place, subsequently, as it has been found, that in those cases where this practice is followed, the servants feel that their employer takes an interest in their welfare, and, consequently, are induced to listen with more attention than they would otherwise bestow.

The committee cannot but feel that sufficient attention has not yet been paid by Christians to improve the influence they possess for promoting the best interests of their servants, and, it is feared, that many individuals, who do not think seriously of their dependants, that as they are not desirous of seeing the light of truth, they may be left to themselves in quiet possession of their prejudices, and in ignorance of the only true God and Jesus Christ whom he hath set forth to be the propitiation for our sins, and not for ours only, but also for those of the whole world. The committee feels also that on Scriptural ground, it is the indispensable duty of Christians not only to attend to the spiritual interests of themselves and their own relatives and friends, but also to those of the strangers who are within their gates. If it be the command of God that the privileges of the Sabbath be extended to all such strangers as are brought within the sphere of Christian influence, as, from the Fourth Commandment, it evidently is, it undoubtedly is a duty also which every Christian owes to those over whom he obtains any influence, to use that influence, accompanied by his best endeavours, and by his prayers at the throne of grace, for the Divine blessing, to bring them to an acquaintance with that Gospel which reveals the way of salvation through faith in our Lord and Saviour, Jesus Christ.—*Hurkaru, May 11.*

## AUSTRALIAN ASSOCIATION.

No. 1.

T. H. GARDINER, Esq.

Secretary Australian Society.

Dear Sir,—As a further proof of the light manner in which the charges have been brought against the qualities of the stores laid in for the *Emerald Isle*, we request you will lay before your Committee the enclosed letter from Messrs. Haworth and Hardman regarding the biscuit.

Yours faithfully,

11th May.

CARR, TAGORE AND CO.

No. 2.

MESSRS. CARR, TAGORE AND CO.

Dear Sirs,—We have the pleasure to hand you (annexed) an extract from a letter received yesterday from a friend at Bombay, who was a passenger on board the *Emerald Isle* to Madras, to whom we wrote immediately on receiving your note of the 5th ultimo, advising us of a complaint that the bread supplied by us to that vessel was bad and uneatable. We addressed him to ascertain if there was any real ground for complaint, as we ourselves felt confident that our stores were most excellent.

We will feel obliged by your forwarding our extract to the Committee, of the Australian Association, with a request, that they will give the same publicity to it that was given to the protest of the passengers received from Madras, as we find that parties now, who are in the habit of supplying ships with such stores, do not hesi-

tate to state that our future supplies will be found (as in the case of the *Emerald Isle*) of inferior quality.

We are, dear Sirs, yours faithfully,

W. HAWORTH, HARDMAN AND CO.

Calcutta, 8th May, 1838.

No. 3.

Extract from a letter, dated Bombay, April 6, 1838.

My dear Hardman,—“ You desire me to inform you, if, amongst the general complaints on board the *Emerald Isle*, there were any upon your cabin biscuit, marked W. H., H. and Co., in reply to which, I must tell you, that I heard none; but, on the contrary, on one occasion, your mark, and, of course, your bread was brought to my notice at table by one of the passengers, before I had observed it myself, and, upon informing him that it was the produce of the new mills at Cossipore, he expressed himself how good it was; and, I do not assure you, it was good, and I did not see a *weevil* in any of the bread all the while I was on board: in short, I did not hear a single complaint about the biscuit in one shape or other, nor would I ever wish to eat better. The complaints seemed to be respecting the wines, of which I partook very little, and confess myself no judge of quality. Beer is my only beverage, and I took more than enough of my own; but that belonging to the ship was good beer also.”

(A true extract.)

(Signed) S. HARDMAN.

Hurkaru, May 15.]

## MEDICAL AND PHYSICAL SOCIETY.

*Proceedings of a meeting of the Medical and Physical Society of Calcutta, held at the Asiatic Society's apartments, the 15th May, 1838.*

Letters from the following gentlemen were read :

From W. Michelson, R. B. Pennington, A. Ross, J. Innis, M. D. Esqrs. Bengal Medical Service; Hamilton, Esq. H. M.'s 17th Regt. and J. Murray, Esq. Bombay Service, requesting to withdraw from the Society.

From Messrs. Leckie and Co. of Bombay, forwarding their account-current with the Society, shewing a balance in favor of the latter of 514 rupees.

From J. H. Stocqueler, Esq., offering to act as agent for the Society here and in England, and stating that the Society in accepting his offer would only be required to contribute as a single subscriber at 10 rupees per annum.

On the motion of Dr. O'Shaughnessy, seconded by Mr. Egerton, Mr. Stocqueler's offer was accepted.

Dr. Goodeve then stated, that in the last monthly report the mention of an operation for scrotal elephantiasis similar to his own, performed by Dr. D. Stewart, had been inadvertently omitted to be noticed.

Mr. Richard O'Shaughnessy then communicated to the meeting an account of two operations performed by him. The 1st was an amputation through the

tarsus after Chopart's method upon a native, with cancer of the forepart of the foot, extending over the metatarsus, and destroying the 1st and 2d toes.

The patient had recovered perfectly complete, union having taken place rapidly, although a large articular surface had been exposed by the operation, and the man was beginning to walk well with the remaining portion of his foot.

The 2d case was one of amputation of the right half of the lower jaw for hollow exostosis of that bone. The bone was divided a few lines to the right of the centre of the jaw, and turned out of the socket after separating the soft parts. About 16 ozs. of blood was lost during the operation, but no untoward symptoms had since occurred, and the wound was healed within a fortnight after the operation, leaving scarcely any deformity of the face.

The tumour had been the growth of some years, and had acquired considerable magnitude. The case was accompanied by a beautiful preparation of the bone and drawings of the patients before the operation.

The discussion upon these two cases being continued for some time, prevented any further business being commenced during the evening.

H. H. GOODEVE,

Secy. Med. and Physical Society.

Hurkaru, May 16.]

## LANDHOLDERS' SOCIETY.

*Proceedings of a meeting of the committee held at the Society's office, No. 3, Clive-street ghaut, on Monday, the 14th instant.*

## PRESENT.

Rajah Radhacaunt Bahadoor; Rajah Kally Kissen Bahadoor; Baboo Prosonnocomar Tagore; Captain G. Vint; W. C. Hurry, Esq.; W. Fergusson, Esq. and Moonshee Mahomed Ameer, committee.

J. Humfrays, Esq., member.

The following gentlemen proposed at the last meeting were unanimously elected:

Mr. John Russel, of Pubna; Robert Watson, Esq., of Calcutta; Baboo Issurchunder Banerjee, of Calcutta.

Proposed by the secretary, Mr. Hurry, and seconded by Rajah Radhacaunt Bahadoor, James Colquhoun, Esq., of Calcutta, as a member of the society.

Read a letter from W. Adam, Esq., presenting a copy of his third report on education in Bengal and Behar.

Resolved, that a letter be addressed to Mr. Adam, asking a copy of his 1st and 2d reports on that subject, and thanking him, in the mean time, for the third, which he has been pleased to send.

The following gentlemen were appointed a sub-committee to examine and report on Mr. Adam's papers.

Rajah Radhacaunt Bahadoor; Rajah Kally Kissen Bahadoor; and Baboo Ramcomul Sen.

Read a letter from Mr. Marshman, stating his consent to publish the proceedings of the committee in his paper gratuitously.

Ordered, that a letter of thanks be addressed to that gentleman.

Read a letter from Cooar Suttchurn Ghosaul proposing to establish a branch society at Backergunge, and other suggestions.

Resolved, that it be taken into consideration at a future meeting.

A letter from Baboo Mothooranath Mullick, with a list of subjects requiring consideration, was also read.

Resolved, that it be laid before the society, with a translation at the next meeting.

Proposed by Rajah Kally Kissen Bahadoor, and seconded by Rajah Radhacaunt Bahadoor,

That a seal be engraved, bearing the name of the society in English, Persian, Bengally, and Debnagur characters, in order to seal the letters and other papers relating to the society, and that the copies of all letters that shall be written by the corresponding members addressed to, and received from, be kept in the records of the society for references.

The revised list of the corresponding committees passed as follows:

*A Table showing the distribution of districts of the lower provinces*

<i>The Land-holders Society's Division No</i>	<i>The Government Division No.</i>	<i>Districts.</i>	<i>The names of the special Corresponding members of the respective districts.</i>
1	11	Behar Patna Sarun Shabad	Baboo Anshootos Day. Raja Barroacaunt Roy.
2	12	Bhagulpore Dinagopore Malda Monghyr Furneah Tirhoot	Baboo Roy. Callynauth Chowdry. W. Fergusson, Esq.
3	14	Beerbhoom Bogra Moorshidabad Pubna Rajshahy Rungpore	Baboo Sumhoeechunder Mitter. Capt. Vint.
4	15	Backergunj Cachar Dacca Furreedpore Jyntea Mymepore Sylhet	Cowar Suttchurn Ghosaul. Raja Radhacaunt Bahadoor.
5	16	Chittagong Noakally Tipperah	Rajah Kallykissen Bahadoor. W. Storm, Esq.
6	17	Darruag Gowalparah Kamroop Nowgunz	G. A. Prinsep, Esq. Baboo Ramcomul Sen.
7	18	Baisset Burdwan Hooghly Jessore Nuddea Furgunah 24	Moonahy Mahomed Ameer Baboo Ramratten Roy. Baboo Pranuat Chowdry.
8	19	Balasore Cuttack Hidgelle Khoordah Midnapore	Baboo Radhamesub Banerjee. Baboo Mothooranath Mullick.

P. TAGORE, *Hon. Secy.*

Resolved, that a few copies of prospectus be sent to the members for distribution.

The list to be published and letters to be addressed to the members, informing them of their appointment.

W. C. HURRY,

P. TAGORE,

*Henry. Secretaries.*

*Hurkaru, May 17.]*

## SOCIETY FOR THE ACQUISITION OF USEFUL KNOWLEDGE.

A meeting of the above Society, established by a respectable body of educated Hindoos, was held in the Sanscrit College Hall, on Wednesday evening last. The rules of the Society requiring some member to deliver a discourse on the subject chosen for discussion at each meeting, the Rev. Baboo Kianna Mohana Banerjee delivered one, on the advantages resulting from the study of history. The discourse was good and well calculated to rouse a desire in young minds for the acquisition of a historical knowledge, as also to teach how to select the kind of histories fit for study. The speech was a lengthy one, and it is impossible to do justice to its merits within a short compass. After the Baboo con-

cluded, certain resolutions were passed for the guidance of the Society. The meeting broke up about half-past nine o'clock.

There were about a hundred Hindoo youths present on the occasion; but, we believe, the attendance would have been much greater, had not the weather worn a threatening appearance that evening. Two European gentlemen honored the meeting with their presence, namely, that zealous and unwearied friend, and originator of native education, Mr. David Hare, and another, whose name we had not an opportunity to learn.—*Hurkaru, May 19.*

## TO THE SHAREHOLDERS OF THE AUSTRALIAN ASSOCIATION OF BENGAL.

**GENTLEMEN.**—Having, at your request, undertaken the investigation of the complaints of the passengers of the *Emerald Isle*, we beg to report to you the result of our enquiries, which have been as full as circumstances would admit.

Every article supplied to the ship was by Messrs. Carr, Tagore and Co. or under their orders. We have had before us, lists of the whole with Messrs. Binny and Co.'s letters, and Captain Driver's letter to Messrs. Carr, Tagore and Co., and have tasted two bottles of the condemned port and claret, sent up from Madras per *Malcolm*, and compared them with two bottles of the same wines from the godowns of Messrs. Carr, Tagore and Co. We have also tasted samples of the biscuits and flour. It was not possible to obtain samples of every article, and some we did not deem it necessary to require.

Referring to the passengers' letter to Captain Driver, of the 16th March, 1838, we shall notice separately the various supplies complained of, viz.

**TABLE RICE.**—Of this we find 20½ maunds was laid in: we have no musters, but are disposed to think that it was not properly prepared for the table by the European cooks on board: the sickness of the children may be attributed to another cause instead of the inferiority of the rice.

**OVEN.**—The want of a proper oven is next complained of. At the time the *Emerald Isle* sailed, every exertion was used to procure a new and proper apparatus; but none new was to be had, and a second-hand article was purchased from the *Motra*, which ship brought out troops and a number of passengers. If it suited so large a ship, the inference is, that it was a proper article, and Captain Driver is to blame if he did not cause a proper use to be made of it.

**FLOUR.**—Bread and biscuits. Samples of the flour and biscuits were on the table at the last general meeting and tasted by every body present: they were pronounced good, especially the biscuits, and in this opinion we concur and believe them to have been as good as ever was put on boardship. We have, besides, in justice to Messrs. Haworth, Hardman and Co., published a letter from a passenger of the ship to Madras, stating that, instead of the biscuits being weovilly and uneatable, they were much liked, and thought very superior. We have already stated that Captain Driver is to blame, if no fresh bread was baked on board, for he had a sufficiency of good flour.

**CLARET.**—Was St. Julien, and, in our opinion, a very inferior wine, and that sent up by the *Malcolm* is absolutely sour, though the same wine, and, we presume, exposure on deck when sent on board caused this deterioration. We do not consider the committee of the Association to blame in respect to this wine; and are even disposed to exonerate Messrs. Carr, Tagore and Co., for the wine was produced at the public tiffin. Mr. Cracroft then pronounced it inferior; but his opinion was overruled by all the other gentlemen, and among them several who have signed the letter to Capt. Driver; so the unfortunate choice of the wine is in a measure attributable to the passengers themselves—or, at any rate, those who attended the tiffin and approved of it, fifty dozens were put on board, and at Madras a fresh supply of 60 dozens of Chateau Margeaux was taken in.

**PORT WINE.**—The sample of this wine produced at the tiffin was considered very superior, and the muster received by the *Malcolm* shews that it is the same wine; and though we think it sound and not disposed to condemn it equally with the claret, we are of opinion that

it is a very common description of wine. A fresh supply of 30 dozens was put on board at Madras.

**BRANDY.**—Messrs. Carr, Tagore and Co. assure us, that they put on board an ample supply of French brandy from their own godowns. We find by the lists, 12 dozens, and as no part of it was condemned at Madras, we consider it to have been good.

**BEER.**—Of this we find supplied to the ship 112 dozens of Bass' pale ale, 24 dozens of golden ale, and 17½ dozens of other beer; no part of this was condemned at Madras, though stated by the passengers to be inferior. Capt. Driver states the consumption was "four dozens per day, so it could not have been very bad; on the contrary must have been very good, and in the published letter of the passenger to Madras, the beer was pronounced to be good; an additional quantity of 100 dozens was taken in at Madras.

**SHERRY.**—No part of the sherry was condemned at Madras, though pronounced by the passengers to be inferior, and no additional quantity was thought necessary to be supplied to the ship. The original stock was 32 dozens of one sort, and 24 dozens of another.

**TEA.**—The tea was from the godowns of Messrs. Rastumjee Cowasjee and Co.; there were three half chests of green tea and fifteen catty boxes of souching. It is notorious that the teas from Messrs. Rastumjee and Co. are equal to any procurable, and Capt. Driver is to blame for not having had it properly prepared.

**DEFICIENCIES OF MATERIAL AND ATTENDANCE.**—We cannot, of course, pronounce an opinion in a charge stated in such general terms; but it must be evident to all persons, that a ship of the size of the *Emerald Isle* taking passengers upon the moderate rates charged, cannot be expected to have all the advantages of superior accommodations and attendance of large London ships. We are led by the passengers, also in general terms, to infer that there were not wholesome provisions on board; from the lists before us it is clear, that a very large supply, in our opinion, an unnecessarily large supply of cuddy stores of every description, pickles, sauces, jams, jellies, preserves, cheese, spices, preserved meats, &c., was laid in for the voyage, and we have a certificate from Messrs. T. Payne and Co. who supplied the greatest portion, and whose respectability is a guarantee of the goodness of their supplies, that every article were good. They challenge proof of any inferiority; besides, no part of these provisions were condemned at Madras.

**WATER.**—An extraordinary supply was provided, but in a ship containing so many persons and animals, we concur in the propriety of Captain Driver serving it out upon allowance.

It unfortunately appears by all accounts, that the ship was greatly crowded and lumbered, and, we fear, that in every ship proceeding to these colonies, this will prove a source of discontent: to this discontent the discomforts of the commencement of a sea voyage, and the ill-health of some of the passengers, we attribute these complaints, though the crowding of the ship was entirely their own act, in bringing an enormous quantity of baggage in excess of their engagements, without notice, and for which, consequently, there was no space reserved: had this extra baggage been refused, greater dissatisfaction would have been created. In fact, the committee offered to re-land the excess, but no notice was taken of this proposition, and, we understood, that when the ship was unmooring, a passenger brought a quantity of personal baggage in addition to what he had in his cabin, and in the hold of the ship; as there was

the officer refused to take it on board. A very unpleasant scene ensued, and the consequence was, that the baggage was taken on board to the still greater inconvenience of the passengers. On this point, Captain Driver writes to his owners, "the crowded state of the ship has arisen from the quantity of baggage brought by the passengers, and, in fairness, Mr. Gardiner ought not to have been blamed." A quantity of freight was for the Swan, and, when landed, no doubt the ship would prove comfortable.

**CATTLE AND DOGS.**—The dogs belonged to a passenger who signed the letter to Captain Driver, and he might have abated the nuisance had he been so disposed. The horses were also the property of the passengers with two exceptions.

**FITTINGS OF THE SHIP.**—Doubtless some inconvenience was occasioned by the hurry in which things were obliged to be done; and, considering the great exertions of all concerned in despatching the ship, we should have been disposed to overlook all trifling inconveniences.

Upon the whole, therefore, we are of opinion, that

the greater part of the complaints of the passengers are either unfounded, exaggerated, or referable to their own acts; and that they were not advanced in a fair and candid spirit, for no allusion is made to the public tiffin at which the only two wines we consider inferior (claret and port) were submitted to them, and it is unfortunate that they made so bad a situation for themselves. Capt. Driver states, "the passengers find fault with every thing, still I am determined to keep my temper." Besides keeping his temper, we think he might have made greater exertions, as the provisions and water were consumed, to remove and stow away such articles as occasioned inconvenience, and, certainly, he ought not to have left Madras without writing to the Association more particularly with a knowledge of these complaints; besides, he is clearly to blame, having good flour and good tea, that the passengers were not supplied with fresh bread and good tea, as they state.

W. CRACROFT.

W. PATRICK.

*Hurkaru, May 21.]*

## EXCHANGE ROOMS.

MAY 22, 1838.

At a meeting of the subscribers to the proposed Bank of India, Mr. J. Allan in the chair. Mr. Bracken, in behalf of the present committee, made the following report:

I beg to state, on behalf of the provisional committee of the proposed Bank of India, that one of their object in requesting the attendance of the subscribers, is to tender the resignation of their functions in that capacity.

In the infancy of undertakings of this character, it is absolutely necessary that somebody or other should put themselves forward; and, so far they subject themselves to the charge of self-appointment. We are fully sensible of the inconveniences of any such mode of election; and, as the number of shareholders is now sufficiently large, in our opinion, to enable them to undertake the selection of their representatives, we now propose to place our temporary honours at their disposal. I am authorised, however, to state, that we shall not have any objection to continue our services, in co-operation with other gentlemen, to be named by the meeting, if it should be pleased to consider them at all useful.

The progress made in establishing the Bank, in the face of an exceedingly powerful opposition, may be held as favourable. There are already 189 applicants for shares, amounting in the aggregate to 1,476. These are entered in the list on the table; but I understand that, in addition, there are conditional orders in Calcutta for 3 or 400 shares, which, I presume, will now be executed. The prospectus provides for the commencement of business on 4,000 shares being taken; and I am individually disposed to adhere to that provision; but it is proper to mention that some opinions are favourable to the opening of the Bank, so soon as 3,000 shares are registered. Another point to be considered, and it may be

advisable to instruct the committee now to be appointed to furnish a report thereon, is the limitation of time, which applicants in Great Britain should be restricted to, in taking up shares at par. Perhaps six months from a given date, say the 1st of August next, would not be an unreasonable period. It is obvious, that such applicants would come into the Bank relatively on better terms than India subscribers, the working of whose capital had brought the value of its stock to a premium, unless some rule of this kind be made.

I may add that our subscription list embraces all classes in this country. Gentlemen in the civil, military, and medical service; merchants, planters, barristers, solicitors, independent capitalists, who have retired from business, and gentlemen employed in the treasury and other public offices in Calcutta.

1.—Proposed by Mr. Boyle, seconded by Mr. Stocqueler, that the late provisional committee be requested to continue their services.

2.—Proposed by Mr. Syers, seconded by Mr. D. Ross, that the following be added to the committee:

Messrs. J. Boyle, W. Gibbon, Robert Paton, Hurryhur Dutt, W. Oxborough, Anthony DeSouza, I. F. Leith, and W. Patrick.

3.—Proposed by Mr. Bracken, seconded by Mr. D. Ross.

That Mr. Boyle be honorary secretary, with instructions to arrange the preparation of a deed on a sufficient number of shares being subscribed; and to call a meeting of the subscribers for the purpose, fixing a day for opening the Bank, electing officers, &c.

Calcutta, 22d May, 1838, J. ALLAN,

*Chairman.*

*Hurkaru, May 23.]*



## LANDHOLDERS' SOCIETY.

*Proceedings of a meeting of the committee, held at the Society's office, No. 3, Clive-street ghaut, on Monday, the 21st instant.*

## PRESENT

Baboo Prosonnocommar Tagore, Ramcomul Sen, and Sumbho Chunder Mittra; Moonshee Mahomed Aumeer; W. C. Hurry, Esq.; Captain G. Vint, and W. Storm, Esq.; committee.

Baboo Chudder Caunt Chowdhry, of Burshey, member. James Colquhoun, Esq., proposed at the last meeting, to be a member of the Society, was unanimously elected. The following gentlemen were proposed as members of the Society:

Proposed by Baboo Ramcomul Sen, and seconded by Baboo Prosonnocommar Tagore; G. T. F. Speed, Esq.

Proposed by W. C. Hurry, Esq., and seconded by Baboo Ramcomul Sen; W. Carr, Esq.

Proposed by Baboo Prosonnocommar Tagore, and seconded by Baboo Ramcomul Sen; Henry Roe, Esq., of Tipperah.

Proposed by Captain G. Vint, and seconded by Baboo Ramcomul Sen; Henry John Leighton, Esq., and Colvin Campbell, Esq.

Read a letter from the Government of Bengal, replying to the Society's application, dated 26th ultimo, asking a copy of the proposed resumption regulation, which is, that 'the printed draft above alluded, has been for-

warded by this Government to the Government of India, and is understood to be now before the Legislative Council. As the letter does not mention whether the Government means to furnish the Society with a copy of the proposed regulation required, it is resolved, therefore, that another application be made to Mr. F. J. Halliday, the secretary, to that effect.

Read a letter from Mr. J. S. Judge, offering his services to take charge of the memorials of the Society to the home authorities.

It is resolved, that thanks be given to Mr. Judge, for his offer of services, and that he be informed at the same time, that the Society has no memorials in preparation at present.

Read a paper of grievances from Baboo Mothoornauth Mullick. Ordered it to be sent to a sub-committee for consideration, of which the following gentlemen were appointed members, and requested to furnish a report as early as possible: Captain G. Vint, W. Storm, Esq., and Baboo Ramcomul Sen.

Messrs. George Prinsep, Moonshee Mahomed Aumeer, and Suttichurn Ghosaul were appointed a committee, to prepare a draft letter to Government, to accompany the resumption petition.

WM. COAN HURRY,

P. TAGORE,

*Honorary Secretaries.*

*Hurkaru, May 24.]*

## BONDED WAREHOUSE ASSOCIATION.

*Report by the Directors of the Bengal Bonded Warehouse Association, submitted to a general meeting of the proprietors, held on the 21st May, 1838.*

We have now to lay before you the accounts, and to state the operations, since last general meeting, that is, for an interval of four months.

The receipts and disbursements from 31st December, (the date to which the last examination of accounts extended) to 30th April; an inspection of the books before you, will shew to be as follows:

## RECEIVED.

Subscriptions.....	Co's Re-	78,050	0	0
Warehouse rent (about Re-2,500 more are earned and outstanding up to 30th April) }		4,500	0	3
Company's paper .....		19,220	0	0
Interest and discount .....		278	13	0
Price of some old beams and burghas .....		50	0	0
Excess of cheques on Union Bank, beyond the amount realized by it during these four months.....		303	8	6

Co's Re- 103,503 5 10

## DISBURSED.

Balance from December		0	2	7
Second instalment of the price of the premises } paid to Government .....		50,000	0	0
Building of the warehouse .....		44,941	8	9
Building offices .....		2,235	5	0
Warehouse rent .....		769	11	0
Charges general .....		2,161	10	3
Establishment .....		2,381	14	3
Balance to debit of May .....		12	1	11

Co's Re- 103,503 5 10

The general meeting of January, having recognised the expediency of using pillars of masonry, and wooden beams, for the first range of godowns, as it was of paramount importance to lose no more time in its construction, we sought competition, by publicly inviting tenders for the supply of saul beams and rafters, and of teak planks; and we succeeded in arranging for the former at Co's Re- 48,218, including expense of painting and putting up; and for the latter at Co's Re- 61,961: and allowing further Co's Re- 21,039 for placing and fixing the floors, the result, more especially as regards the latter, will be a very decided reduction of the amount inserted

in the estimate, which was placed before you in January. As to the masonry, you were then informed, that Messrs. Burn and Co. had undertaken to execute the whole of it at the Honorable Company's rate of remuneration, Co's Re- 16 per 1,000 cubic feet. With advice which we deem to be the very best within our reach, we have sanctioned the use of iron tie-bars and plates longitudinally, for strengthening the arches of the two rows of pillars, and of transverse iron tie-bars, with-cast iron boxes and plates, for every alternate pier, to maintain the position and solidity of the walls. We could indeed wish that the erection of these godowns were more forward. The oppressive heat of the weather lately, and the prevalence of sickness have been adverse to celebrity of work; but as the rainy season is at hand, it will behove us to urge the contractor to the employment of adequate means to insure as rapid progress as may be consistent with safety; for, not only is that the most favourable season for masonry, but we are given to understand that, with even extraordinary exertion, the range cannot be finished before March; and we are sensible that every month's delay in its completion, may make a difference to you of many thousand rupees.

Of the iron work originally intended for this range, but which it was judged advisable to set apart for the second range, we are now enabled to place before you full, and we trust satisfactory information. Mr. T. Anderson, one of the three gentlemen whom we addressed, transmits, under date 14th February, copy of a correspondence, which you will find exhibits a narrative of the progress of the iron indent; and he communicates its position then, furnishing a copy of the plan and specification, by Mr. George Stephenson, a distinguished engineer in England. For details, we refer you to the correspondence. Let it suffice here to state, that your agents, deferring to the opinion of high authorities, whose science and experience were entitled to every respect, judged it proper to depart from the plans transmitted hence. A different pillar and beam have been adopted, although they confined their deviation from the original plan within the necessity of the case.

Having agreed on advice which pronounced such

composition to be indispensable, to use a mixture of Scotch, Welsh, and Shropshire iron, the cost will be enhanced from £2 to £3 per ton, more than of Scotch or Welsh iron alone, run from the ore, had been employed.

Mr. Stephenson proposed that 200 tons were to be delivered in March, and the whole to be delivered in Liverpool by the 30th June. He, or his assistant, was to be at liberty to inspect the work at all times; and every test was to be in the presence of one or other. As Mr. Anderson had, by the middle of February, received only some of the tenders, expecting the remainder in the course of a few days, it is to be assumed that the completion of the work will be later than the date indicated by Mr. Stephenson.

It was computed that the whole iron-work would weigh 900 tons. Mr. Anderson, in letter of 18th January, says, the price would be from £8 to £10; and, in that of 14th February, that the mixture of the three qualities of iron would cost from £2 to £3 extra: so that we may assume the cost, on delivery at Liverpool, will be £11,000. On this account a remittance of £6,000 had been placed in the Liverpool Bank, bearing 3 per cent. interest. We recently wrote to Mr. Anderson, that, an instalment of subscription being required to be paid upon 21st proximo, we would, by the first overland mail after that date, make a further remittance to him of £2,000 or £3,000.

We may dismiss this part of our report by observing, (and we do so advisedly) that we deem your agents (for, although Mr. Anderson writes in his single name, he has been acting in constant communication with his associates, Mr. Arbuthnot and Speir) have throughout proceeded very judiciously, interrogating in the outset various practical and scientific authorities; appealing to experience in different fields; adopting the alterations which such circumspect examination demanded; and, in the sequel, yielding to no private influence, acknowledging no partiality, but securing to you the cheapest terms, by throwing the contract open to public competition:—and we cannot doubt that you will feel every satisfaction that those agents have thought proper, in the execution of their task, to resort to the guidance of a distinguished engineer. “Mr. George Stephenson” remarks, one eminent in science and practice in India, “is a first rate engineer: in his hands you are perfectly safe.”

In the course of our statement, we come now to direct your attention to the progress of warehousing operations, in the temporary and inferior accommodation it has been in our power to provide. The rent (we speak of its monthly product) at the period of the last meeting, had reached about 1,400 rupees; afterwards it quickly increased to about 2,000 rupees: it then fell back to 1,400 rupees; but soon began to rise, reaching now not less than 2,500 rupees, and likely to be 3,000 rupees by the end of the present month, altogether manifesting a progressive increase, the more satisfactory, as it has prevail-

over no inconsiderable withdrawal of merchandize for despatch into the interior, and for re-exportation, thereby shewing that the augmentation of your warehousing business, is by no means to be ascribed to any peculiar and temporary predicament of the market. The exigencies of the bonding trade even now compel us immediately to look out for more room. The range of dilapidated godowns on the north portion of these premises, may, it is expected, for a moderate sum, be put into such repair, as will serve, at least part of it, for the temporary reception of merchandize. We lately requested the Marine Board to allow us to occupy those godowns, for whatever rent may be proper in reference to their present condition, until the period arrives for paying to Government to the remaining part of the purchase-money: and the Board has in the most handsome and friendly manner accorded to our request. Additional and good accommodation being instantly required, we are in treaty for a fine and spacious godown in the immediate vicinage. We may shortly observe, that business seems now to be in the course of rapid extension; that, when the channels of periodical communication are opened with the interior, we reckon on an extensive removal of wares; but, on the other hand, we know that, with the arrival of the cold weather, there will be a considerable influx of trade into the warehouse. The issue, we anticipate, will permit a dividend to be paid early in the ensuing year, even before your warehouse is erected, from operations, necessarily circumscribed, in the temporary, insufficient, and inferior godowns now occupied.

It is perhaps superfluous to state to you, that such incipient thriving of the undertaking, with the very limited and discouraging means at our command, although beyond all question it augurs well, yet can be received as no just criterion, whereby to measure the magnitude of the trade that will flow into the warehouse when constructed or to appreciate the probabilities of the ultimate development and prosperity of the whole scheme.

It is not for us, in making our report to indulge in the expression of sanguine anticipations, which might unconsciously be charged with some exaggeration; but this we are free to affirm, that, when the warehouse is completed, if it be so well occupied with trade, and the whole of such experience as we have yet been permitted to have, testifies emphatically that it will be so occupied, then it follows incontrovertibly, that the undertaking will yield you regular and ample returns.

F. MACNAGHTEN.  
A. COLVIN.  
J. WILLIS.  
J. W. J. OUSELEY.  
J. CHURCH.

Calcutta, May 19, 1838.

G. Dougal and J. Callen were elected Directors, instead of Captain Ouseley and A. Colvin, who went out by rotation.—*Hurkaru*, May 25.

## ACADEMIC INSTITUTION.

A meeting of subscribers, called by the managers of the above charitable institution, was held at the Town-hall, on Thursday evening last. Baboo Joychunder Bose was called to the chair; he addressed the meeting in a very eloquent speech, stating the object they had assembled for, namely, an inquiry into the conduct of their secretary, against whom the managers had cause to entertain suspicion of improper practices, such as would prove ruinous to the institution. Several charges were laid against him, but, as none of them were backed by sufficient proof to satisfy the meeting of their existence, it is but justice to the accused to withhold them from the public for the present. It was then resolved, that eight gentlemen be elected from amongst the subscribers to make a strict and impartial inquiry into the affair. Nineteen gentlemen were then named, out of whom, it was resolved, that David Hare, Esq., be requested to selected

the required number, “eight.” The committee, are at the close of the investigation of the charges, to lay their report, before a general meeting to be called for that purpose.

Several gentlemen spoke on the occasion, to the same effect as the chairman, to whom a vote of thanks was given for his able conduct in the chair.

The meeting broke up at a rather late hour.

We, as impartial reporters, cannot conclude this without remarking, that some young Hindoo gentlemen who spoke, were a little too free in their use of calumnious expressions to the accused, which could not be decorous under any circumstances, much less at a public meeting. Nor can we pass over unnoticed, the want of order which now and then prevailed. Our object is not to discourage these youths, but to give them salutary advice, that they may behave with more propriety in future, —*Hurkaru*, May 26.

## SUPREME COURT.

APRIL 18, 1838.

(Before Sir Edward Ryan and a Petit Jury.)

Sheikh Abdoollah was tried for stealing from the office of Messrs. Cockerell and Co., some indigo, on the 16th of March, 1838.

The prisoner pleaded not guilty.

J. M. Dove, Esq., deposed, that the prisoner was a furash, in Messrs. Cockerell and Co.'s office, but had no access to the indigo godowns; but there was at that time some indigo in the compound, in some chests, to which the prisoner had access.

Here Mr. McCann produced the indigo, and Mr. Dove recognized it to be the indigo stolen from Messrs.

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Cockerell's house, marked D. D., C. C. for Coliah factory, where this indigo has been manufactured; and D. D. from David Dombal, the proprietor of that factory. All his indigo is invariably consigned to Messrs. Cockerell and Co. for sale; and one of the cakes is a part of the indigo which was submitted to them from a house in Java for sale. The raw silk and wax candles, deponent could not recognize; but added, that the prisoner had charge of wax candles in the office.

Chain Sing, durwan of Messrs. Cockerell and Co., deposed to his having searched the prisoner at 9 o'clock p. m., when he was leaving Messrs. Cockerell and Co.'s office, and found on him some wax candles and three cakes of indigo, and then detained him in the office; and the prisoner, at 6 o'clock next morning, confessed that he had concealed some cakes of indigo in Neeloo Baboo's desk, and Kuniah Sing peon went with the prisoner to this desk and brought the indigo, and then deponent took the prisoner and the indigo to Mr. Dove, who ordered them to be taken to the police office.

Kuniah Sing confirmed this witness's testimony, as to the prisoner pointing out the stolen indigo concealed by him in Neeloo Baboo's desk.

Bhoorooose Ram, naib of the police thana, deposed to his having, by Mr. McCann's order, searched the prisoner's house, and found there some indigo, raw silk, seventeen wax candles, some nails, two pairs of gloves, &c. in a wicker basket in the prisoner's presence.

Prisoner made no defence.

The judge then summed up the case, which he said is larceny, and detailed the evidence and the law in the case.

The jury, without retiring, found the prisoner guilty.

The judge then sentenced the prisoner to two years' imprisonment in the house of correction, with hard labour.

Nowcowrie coolie was tried for stealing a box, containing various articles, the property of Ajim, on the 10th of April, from his house in Mulungah.

The prisoner pleaded not guilty.

Ajim deposed, that the prisoner put up in his house for four days. Two other persons live in his hut. Deponent had a trunk in his hut, which he rented from Ameerun, his landlady, who lived in another hut. This box contained articles, which partly belonged to him

and partly to his landlady, who had then kept these ever since her house was burnt. Some of the other articles in the box belonged to the other two men who lived with him. As the prisoner had no work, the other persons who lived in the hut when they went to work, desired him to look after their property. One day on their return from their work, they missed both the prisoner and the box, and after having searched for him some days, deponent found him in Colingah, with one of the stolen *dhooties* on his body, and asked him what he had done with his trunk, when he denied all knowledge of it. Deponent then asked how came he to have his *dhootie* on him, and made him over to the Colingah thana peon. He next day he saw the box at the police office, where he found all the stolen property except the money and one *dhootie*.

Rahimbux, the naib of Colingah thana, produced the box, which he found in the house of a woman named Chundermony, where the prisoner lived after he had absconded with the complainant's box from Mulungah.

The witness Chundermony, confirmed the deponent's depositions, and the prosecutrix Ameerun, the landlady, and the two persons who lived with the prosecutrix, identified the stolen property to be their property, and confirmed the statements already made in this case.

The prisoner merely said, that the box was not found in his house, but in that of Chundermony at Collingah, whereas he lived at the Chandney Choke. He had no witnesses.

The learned judge summed up the case, and the jury, without retiring returned a verdict of guilty.

The learned judge then sentenced the prisoner to two years' imprisonment in the house of correction, with hard labour.

George Lloyd and George Morgan, were tried for having, on the night of the 14th of March, 1838, stolen a musical snuff box, from the person of William Tippin, in the Seebtollah lane, by force and violence.

The prisoners pleaded not guilty.

William Tippin deposed, that he is a pilot, and lives at Seebtollah lane. On Wednesday evening, the 14th March last, he went with Mr. Hatton, the gun-maker, to Mr. Williams's, at Gree Baboo's lane, and from thence he accompanied Mr. Hatton to his house at Cossitollah, where he took a glass of grog and left him at 12 o'clock at night. On passing Cook's livery stables, he met a country-born young man, who was accompanied by two Europeans, and who addressed him and said "how do you do Tippin? Are you coming on board ship?" Deponent replied, "very well—no," and then walked on without taking further notice of them. When deponent arrived at the Chandney Choke, he saw an European standing at a liquor shop, and an African at a sweetmeat shop. The African addressed deponent and said, "well, friend, are you not gone home yet?" Deponent replied "no," and walked on. It was a moonlight night at the time when deponent arrived at the door of the house, these two persons who had followed him all the way from the Chandney Choke, rushed on him and knocked him down by tripping his heels. The European throttled him and held him down, and the other rifled deponent's pocket and took out his musical snuff-box from it. Mrs. Tippin, hearing the scuffle opened the blinds of the window and called out and said "Tippin Tippin, what is the

matter?" Deponent, because he was throttled, could give no reply. Mrs. Tippin then came down, and when the prisoners saw her coming with the servants to deponent's assistance, they left him and ran away. Deponent then got up and followed them and called out to the chokeydars to stop the thieves. He pursued them as far as the thana, and there he abused the thana people for having let the thieves follow and rob him, and then escape. They replied, that they did not know that those men were robbers, until deponent had informed them that they were so, consequently, they could not arrest them. Deponent, because his eyes were blinded by the tightness with which his throat was squeezed, could not recognize the persons who had robbed him again if he were to see them.

Rosa DeSilva, who lives with Mr. Tippin, corroborated his testimony as far as it related to her.

Buddat Pummah, peon of Seebtollah thana, deposed, that he knows both the prisoners, who live within the beat of that thana, and that he had seen them pass his stand at 1 o'clock A.M., dressed as Mr. Tippin had described them to be, and shortly after they had passed him, Mr. Tippin came and complained of his having been robbed of a musical snuff-box by them.

Ishamat, peon of Seebtollah thana, confirmed the last witness's statement.

Boran, peon of Seebtollah thana, deposed to his having seen the prisoners following Mr. Tippin down the street, at the time this robbery is stated to have occurred.

Mary Anne Rawlins deposed, that in March last, she lived in Dhobyparrah lane. Deponent knows the prisoner Morgan; he came on the 10th of March last to deponent's house, with a musical snuff-box for sale, and asked 20 rupees for it, and at deponent's request he left it with her to have it valued, and about 10 minutes after this he returned and took the box away. At candlelight he, during deponent's absence, came with an European to her house, and when deponent, on her return, saw them enjoying themselves with a glass of beer, having brought two rupees of it, deponent asked them why they came there. They said to speak to deponent. Soon after this, they began to quarrel about 20 rupees, which the European taxed the African of having stolen from him, and the African called the European a liar. The European then gave the African a slap in the face, and the African then beat him severely with a chair. The European then went and brought a police constable and had the African taken into custody. The African when taken to the police office, left the musical box on her table, and when Mr. McMahon heard of this box, he desired deponent to bring it to the police, and consequently returned to her house, and gave it to the charge of constable Ware. That European is not the prisoner at the Bar. Deponent is a married woman, and keeps a public house. When deponent first saw the musical snuff-box on that night, the prisoner Morgan was making it play and showing it to the European. Deponent cannot say who brought it on that occasion, but it was the same box which the prisoner Morgan had brought to her for sale at 5 o'clock P.M. of that day.

The deponent's durwan and khidmutgar confirmed his testimony.

John Weir, constable of the Colingah division, deposed, that he heard from a chokeydar of the riot in Anne Rawlins's house, and when he arrived there, he saw a buggy with two gentlemen in it, assisting a person named Sheriff, the boatswain of a ship, who said that Morgan had assaulted him and broken his head, and robbed him of seven rupees eight annas. Morgan said that Sheriff had first struck him. Deponent then took Morgan into custody, and as Mrs. Rawlins was accused before the magistrate of

assisting in the assault, Mr. McMahon then sent for Mrs. Rawlins, who informed him of Morgan's having left a musical snuff-box there; and as another caffee named Alexander was in custody, for having stolen a musical snuff-box, deponent informed the magistrate of this circumstance, and he desired him to bring the box which he did from Mrs. Rawlins. Deponent did, on arresting the prisoner, say, that he was the greatest blackguard in Calcutta; this, he did, because he has heard repeated complaints against him, and has seen him repeatedly at the police-office in custody.

Here this deponent produced the box, which Mr. Tippin recognized to be his property, and knew it because it has "Boston State House" written on, and is slit slightly inside, and deponent has the key with him which fits it. He fitted it and treated the Court with a tune.

Lloyd in his defence said, that on the night on which the case is stated to have occurred, he was in bed at 10 o'clock, and never quitted it till next morning, and he left them to judge whether he is a thin dark man six feet high and of a dark complexion, as the prosecutor has stated the man who robbed him was.

Morgan, in his defence, admitted that he had been rambling in the quarter where the robbery was stated to have been occurred, but he never saw the prosecutor that night, and he is a perfect stranger to him. The rest of his defence related to his transaction at Mrs. Rawlins' house, in which he attempted to show, that the conduct of Mrs. Rawlins was malicious against him.

Lloyd called two female witnesses, one of whom was his mistress's mother, who swore that on the night in which the robbery is stated to have occurred, Lloyd came home at gunfire, and went to bed at 10 o'clock P.M., and he did not go out again that night, as one of them, who is his mistress, slept in the same room with him, and booted the door from inside. It appears that these women, when this prisoner was tried for robbing one Baker, were brought forward and deposed to an *alibi* in that case likewise.

Here the learned judge summed up the case, and detailed the particulars of it, commenting on and explained the evidence both for and against the prosecution. The jury could not agree and were locked up all night.

APRIL 19, 1838.

In the case *Queen versus George Lloyd and George Morgan*, for robbing W. Tippin, of a musical snuff box, the verdict was this morning given at the opening of the Court, of *guilty* against both the prisoners.

Just before the adjournment of the Court, at about five o'clock P.M., the judges ordered Lloyd and Morgan, to be brought up to receive their sentence. The judge, in commenting on their case, said, that this was not the first time they had appeared at this bar, and he blamed Lloyd in particular, for having suborned false witnesses to prove an *alibi*. He added that he was fully convinced that they had committed this crime. In conclusion, he said, that he could sentence them capitally or even to transportation for life, if he chose to do so, for this offence; but he would deal milder with them. He then sentenced George Lloyd to seven years' transportation to Van Diemen's Land, and George Morgan to seven years' transportation to the S. E. coast of Martaban.

The prisoner Morgan, whose demeanour had all along been very contemptuous, on quitting the Court thanked his lordship.—*Hurkaru*, April 20.

APRIL 18, 1838.

(Before Sir Edward Ryan and a Petit Jury.)

Henry Lemenle was tried for robbing from the person of Edward William Bowbear, one silver watch and two silver watch keys, on the 22d March, in Jaun Bazar road.

The prisoner pleaded *not guilty*.

Edward William Bowbear stated, that he is an assistant in the Sudder Board of Revenue. Deponent lived at Warman's shop. On the night of the 22d March, deponent left the shop at half past 10 o'clock, in company with Jones, to go home, and the night was a dark one. When deponent arrived at the Jaun Bazar road he met the prisoner, who was a perfect stranger to him. After Captain and Mr. Jones had passed prisoner, Mr. Jones went to a neighbouring grain dealer's shop to light a segar, and deponent stood at the cross road waiting his return. Whilst thus standing, the prisoner came behind him, seized the ribbon of his watch, and jerked it out of his sob. Deponent then pursued prisoner who ran down the Jaun Bazar road, eastward, calling out stop thief. After deponent had pursued him about a quarter of a mile, a chokeydar came up and arrested the prisoner with the watch in his possession, and took the prisoner to the thana, from whence he was sent off to the police office. During the pursuit deponent never lost sight of the prisoner. Jones came up after this prisoner was in custody. The watch is a silver McCabe's watch, and had two keys attached to it. Prisoner when arrested, said the deponent had put the watch into his hands and had desired him to take him to the Cooly Bazar.

Cross-examined by Mr. Prinsep. The deponent had been drinking; every one who is gentleman drinks a little. Deponent was there about three hours eating and drinking, but they were not flushed, and proceeded home from Warman's directly. Jones knew the prisoner when he was a boy—he is not a boy now. It was about 11 o'clock p. m. when this occurred.

Alfred Robert Jones, deposed, that he is a section writer in the Sudder Board of Revenue. Deponent knows Bowbear, the last witness, and went to dine with him on the 22d March, at Mr. Warman's. The rest of the witness's evidence was a direct confirmation of the testimony of Mr. Bowbear. In the latter part, as to the conversation between the prisoner and the chokeydar, the prisoner declared, that because he would not go with these two witnesses to the Cooly Bazar, they beat him and he ran away, and he said that the watch was his property.

Cross-examined by Mr. Prinsep. Deponent told Bowbear, that the prisoner is living in Dobeyparra Lane, where deponent resides. Deponent has been living in the same neighbourhood for 11 years, but was not on visiting terms with him. Deponent has heard that he prisoner is the son of a steward of a Governor-General. Deponent quitted his school rather precipitately for good reasons; there were some suspicions against him. Deponent had gone that day to the Botanical Gardens, taking the requisites of nature with him, but there not being sufficient, he went consequently to Warman's, and took an additional supply, and then, after a walk, they returned and took a cool bottle of champagne and another of claret; yet they were neither of them flushed. Deponent previous to being employed at the Sudder Revenue Board, was at Carr and Tagore's and was

discharged for absenting himself; he is not aware of any other motive. He was likewise employed by Mr. Frederick, and was discharged for having appropriated some of the articles in the shop, which were entrusted to his charge, to his own use. It is a very natural thing for a person out of employ to take from another.

Buxoo, chokeydar of Toltullah thana, deposed to his having seen the prosecutor pursuing the prisoner, and calling out to stop the prisoner who had stolen his watch, and that he had arrested the prisoner.

Cross-examined. The prosecutor and his companions were not intoxicated, but their mouths smelt of liquor, as gentleman's mouths usually do at nights.

Owing to some neglect on the part of the police authorities, the naib, who had taken the prisoner and the watch to the police office, was not in attendance.

Mr. McCann produced the watch, and deponent identified it to be his by the No. (1837.)

Prisoner said that he was acquainted with Jones, and on the night this robbery is stated to have occurred he met Jones and Bowbear. The former asked him to treat him to a glass of grog, and when he refused, because the shops were shut, he beat him and wanted him to get the shop opened, as Muddo Soodun Ghose and Guffor Khan, who passed them at the time, can testify. The rest of his defence was that he was a person above want and this was a conspiracy, and he impugned the character of Jones.

Muddo Soodun and Guffor both corroborated the prisoner's statement regarding what passed between him and the prisoner, and said that all the parties were partially intoxicated at the time they saw them together, on the night of the 22d March last, in Jaun Bazar road.

Doorga Sing, naib of the Toltullah thana, was then called, but his evidence elicited nothing beyond what had already been deposed.

John Brown Ward, a clerk in the commercial accountant's office, deposed, that he had known the prisoner for a long time, and gave him a good character for honesty. So did Mr. John Lucas and J. Minos; and they said that prisoner's family had money and honour, and were in affluent circumstances.

This closed the case for the defence.

The learned judge then summed up the case, detailing the evidence and commenting on it, and explaining the law on the case.

The jury, after a short retirement, brought in a verdict of *not guilty*, and the prisoner was ordered to be discharged.

THURSDAY, 19TH APRIL 1838.

Dabee Sing and Dookul Sing, were tried for having, on the night of the 16th April, robbed Golab Sing, a durwan in the employ of Baboo Rustumjee, of a trunk containing several articles of wearing apparel, 200 rupees in cash, and other articles.

The prisoners pleaded *not guilty*.

The articles were produced in Court by Mr. McCann, and the prosecutor recognized them to be a portion of the property stolen from his room.

The case for the prosecution is as follows.

The prosecutor and the two prisoners were all durwans in the employ of Baboo Rustumjee, at his garden house, and lived in one room. The prosecutor had been

In the habit of absenting himself repeatedly from his duty. On the night on which this theft is stated to have occurred, the prosecutor's trunk was stolen from his room, and the prisoner, on his return early next morning, discovered his loss, and found the trunk in the Baboo's garden, rifled of its contents. He taxed the two prisoners with the theft, and desired them, if they had, as a matter of joke, removed his goods, to restore them to him. They denied that they were guilty of the crime laid to their charge. The prosecutor then informed his master of this theft, who likewise questioned the prisoners, and before him they persisted in their denial of the crime. The Baboo then desired one of his aircars to bring a person who could perform the ordeal of making the suspected persons eat parched rice, the next day. When the prisoners heard of this, they came at midnight and confessed to the prosecutor that they had robbed him, and entreated him not to expose them publicly by making them undergo the threatened ordeal, and to forgive them, and they would restore him his property. The prosecutor replied, that if they would restore him all his property he would overlook their offence. They then restored him all with the exception of 40 rupees, which they both denied that they had stolen. This denial enraged the prosecutor, and he, next day, informed Baboo Rustumjee of what had occurred, who sent for a chokeydar and forwarded in his custody the two prisoners, the trunk and the stolen property recovered to the police magistrate, who committed the two prisoners, and sent the case up for trial during the present sessions.

The prisoners, in their defence, said, that the prosecutor had been leagued with a gang of coiners, and had repeatedly passed counterfeit coin in the Bazar. They advised him to desist from such a nefarious practice, and, as he would not attend to their remonstrances, they went and complained against him to Mr. McCann, at the police office, and had seven of his colleagues in this mal-practice arrested. The prosecutor was then absent from the house of his employer, and could not be pointed out to the police functionaries, who apprehended his abettors. They were the witnesses in that case, and five of the men who were arrested on that occasion were convicted and sentenced to the house of correction; and although Ram Deen, the police naib, who had arrested these seven persons, had subsequently repeatedly seen Golab Sing; he never arrested him for the offence of which they had accused him. The prisoners, on that occasion received a reward from the police office, for having had these five persons convicted, and the prosecutor demanded a share of this booty, which they refused to give him; he consequently vowed vengeance against them, and shortly after had them confined on the present indictment. They admitted that they had concealed the trunk and its contents to punish and expose the prosecutor, and to show that if he could not guard his own property, much less was he fitted to guard the property of his employer: and after they had extorted a promise from him that he would not, in future, neglect his duty, they delivered up his trunk and its contents to him, which they had concealed in Baboo Rustumjee's molly's hat. In conclusion, they observed, that if they were inclined to rob, they, instead of robbing the complainant of his paltry effects, would have robbed their master of a considerable sum and absconded to their native country, where they would have lived all their lives comfortably on their booty. They said that this was a malicious conspiracy against them, hatched by the prosecutor, for having preferred the charge above stated at the police office against him, and not given him a portion of the sum given them for bringing the smuggling transaction to the knowledge of the police office.

They called Mr. McCann and Ramdeen, who corroborated their assertions as to the passing of the counterfeit coin by the prosecutor, and they having brought this to the notice of the police magistrate, and got five men

convicted and punished; and that, because they had refused to give the prosecutor any portion of the money given them by the police office, the prosecutor had threatened them a month previous to his instituting this complaint against them. Mr. McCann gave Dobee Sing a very good character for honesty, and said that he had formerly been a naib of a police thana, and given perfect satisfaction to his employers; and Mr. George Aviet gave dookul Sing a like good character for honesty and activity, whilst he was in his service; and a police peon proved that the prosecutor had passed some counterfeit coin on him.

This concluded their defence, and the judge then summed up the case, detailing the evidence and commenting on it. The jury convicted both the prisoners of crime for which they were tried, but, in consideration of their having formerly borne very good characters, and this being their first offence of this kind, they recommended them to the merciful consideration of the Court.

The learned judge took the recommendation into consideration, and, after the verdict had been recorded, he, under all the circumstances of the case, sentenced both the prisoners to six months' confinement in the house of correction, with hard labor.—*Hurkaru, April 20.*

## ADJOURNED INQUIRY OF LUNACY,

APRIL 19, 1838.

(Before Messrs. Marnell and Leith, Barristers.)

IN THE MATTER OF JOYKISSEN, A LUNATIC.

The jury in this case gave in their verdict at about 9 o'clock, p. m., after having demanded and received their fees for their attendance. The verdict was, that the said Joykissen was of unsound mind, and had been so for these 12 years, and was therefore incapable of managing his own affairs, and that his lunacy had been caused by violent anger at the conduct of his brother, Radakissen, who had forcibly prevented him from accompanying his mother on a pilgrimage to Bindabun.—*Hurkaru, April 21.*

APRIL 20.

(Before Sir E. Ryan, and a Petit Jury.)

The judge on the opening of the Court, directed Mr. King, to have the eight prisoners against whom no true bills had been found, if there was no other charge against them, brought up and discharged. Mr. King replied, that there were no other charges against them, and that they were at the jail. The Chief Justice then ordered him to bring them up to-morrow to have them released.

Hurree, was indicted for inflicting, on the 27th of March, 1838, a severe wound on the throat of John Pereira, from the effects of which wound he died instantly, in Old Bow Bazar lane.

The prisoner pleaded not guilty.

Lydia Francieca deposed, that she was in Mrs. Ogilvy's service as an ayah, in the month of March last. Deponent is acquainted with the prisoner and has been his mistress these last eighteen months. Previous to her entering Mrs. Ogilvy's service, they lived together in a hired hut in Old Bow Bazar lane, the property of Mrs. Rosina. Deponent had a child named John Pereira, aged seven years. His father was a Christian and had been dead some time. The general conduct of the prisoner to the child was kind. Deponent was supported by the prisoner. Deponent went to service because she and the prisoner had contracted heavy debts, and the prisoner was out of service. Deponent during the time she was in Mrs. Ogilvy's employ, left the child under the care

of the prisoner and she used to visit him once a week. The prisoner was a cook by profession; and, on the morning of the night in which the child was murdered, she got him employed in Mrs. Ogilvie's service, where he worked the whole of that day. At 3 o'clock p. m., of that day, after Mrs. Ogilvie had taken her tiffin, the prisoner requested her to discharge the deponent from her service, and Mrs. Ogilvie replied that it would be better for both to continue in her service, and by earning something, pay off their debts. At 7 o'clock p. m., after Mrs. Ogilvie had dined, the prisoner came to deponent and desired her to accompany him to their house. Deponent said that if he was anxious for her to quit her employment, she would do so at the end of the month, which would expire in a few days, and then she would provide a substitute and go with him. When Mr. and Mrs. Ogilvie heard of this, they sent the sweeper to search for him; and, not finding him, they desired the gate-keeper to shut the door, and sent for the cook and asked him what he required. The cook said he wished to take away the nurse, and asked them to discharge her, and he would get them another; to which they replied that as their child was sick and had just been weaned, it would inconvenience them greatly, so that they had better stop at least the few remaining days of the month. After this the prisoner finished his work and wanted to remain all that night in Mr. Ogilvie's house, but Mr. Ogilvie would not permit him, and made him quit the premises. This he did not do until Mr. Ogilvie was obliged to send for a chokeydar and threaten to send him in custody to the thana, if he would not go. After the prisoner had quitted the house, he held a conversation with the khansama, and requested him to desire the deponent to give up his traps to him, and when the khansama delivered this message, the cook asked him to give up his umbrella to him. After the prisoner had received the umbrella from the khansama, the prisoner informed the khansama that as the nurse did not come it mattered not; for there were two lives of her's, one safe from his reach, but the other at his but with him—that of her son John Pereira, which was in his power, and which he would finish. When deponent heard this she called out to the chokeydar and desired him to take care and detain the prisoner in custody until she could send for, and receive her child. The prisoner when he heard this, ran away, and the chokeydar pursued him. Deponent then went and informed her mistress of what had then just occurred. Mrs. Ogilvie then asked deponent whether any of her servants knew her house, and she replied the khansama did. By this time the chokeydar returned from the pursuit and Mrs. Ogilvie desired the chokeydar and the khansama to go after the prisoner and bring deponent's child to her. She did so and they returned at three o'clock a. m., and informed her of the death of her child. The day previous to this occurrence the deponent had seen the child at her house in perfect health. Her mistress would not permit her to go to the corpse that night, but she went next morning and saw it.

Nugeem Addee, peon of the Colingah thana deposed, that on the night of the 27th March last, he heard Mr. Ogilvie's gate-keeper call for a chokeydar, and when he met him he said that his master wished to speak to him; and, on his arrival, Mrs. Ogilvie informed him that the prisoner wanted to take the nurse away with him, and if she was willing to accompany him she would let her go; but if the prisoner used any violence or became riotous, to take him into custody. The cook then said that he would willingly go away peaceably; and when he quitted the premises he required the nurse to give up his articles, and she sent him his umbrella. When the prisoner received it he asked for his trunk, and the khansama who had conveyed his message replied, that the nurse had brought no trunk with her to give up. The prisoner then said, "very well, there are two lives, one here, and one at home in my charge, I will see."

When the nurse heard this she desired deponent and his

fellow chokeydar to arrest the prisoner; but as the night was dark he escaped. The deponent then went to his stand and his fellow chokeydar accompanied Mr. Ogilvie's khansama to bring the child to Mrs. Ogilvie's house.

Koodrutollah, Mr. Ogilvie's khansama, confirmed the testimony of the two last witnesses, as far as they had occurred under his observation; and, added, that when he arrived at prisoner's house, he asked the landlady for the child, and when she heard the message she lighted a lamp and went into the prisoner's hut, and when she entered it she exclaimed, "Ah! ah! what has been done. what has been done! A murder has been committed!—the child is killed!" And when Hurree, who was sitting in the compound with others heard this exclamation, he ran out and the chokeydar pursued and arrested him, aided by this deponent and a chokeydar of that beat. Prisoner struggled hard with them, but when he was exhausted he sat down and said, "I did this for the sake of revenge, and must die for it; it is useless my attempting to escape." By the time this naib of Bow Bazar thana arrived and secured the prisoner; afterwards the deponent went into the prisoner's hut and saw the child lying dead on the floor with its throat cut and blood flowing from it. Deponent had never seen the child before.

The prisoner said that this deponent was the nurse's paramour, and it was on his account that she refused to accompany him home. He would swear to anything against him.

Budderoddeen chokeydar confirmed the testimony of the prosecutrix. Koodrat-ollah added, that when they arrived at the prosecutrix's hut they demanded of Beebe Rosina the child, at 9 o'clock p. m. The landlady, after she had learnt the purport of their visit, lighted a cherag and went into the hut where the child slept that night, and on her entering the hut, she exclaimed, "Ah! ah! what has happened? What is this, come and see!—the child is murdered." Hurry was at that time sitting in the compound of the huts, which is bounded on the one side, by other huts, on another by a cloacena, and the third by the back of the huts, and on the fourth is the entrance to them. He ran off pursued by the chokeydar, who caught him and had a severe battle with him to secure him. The chokeydar then called out to Koodrat-ollah for assistance, and he and a chokeydar of that beat then seized and secured prisoner. The prisoner then sat down exhausted, and confessed that he had, from motives of revenge towards the prosecutrix, killed the child, and he would suffer for it. Soon after this, the thanadar of Bow Bazar thana came, and the prisoner repeated the expressions before him. The thanadar then secured the prisoner, and saw the deceased's corpse lying on the cot with its throat cut from ear to ear and covered with blood, and found a knife which the prosecutrix subsequently recognized to be her property, lying on a table in the hut covered with blood. The prisoner was then taken into custody to the thana, where he again repeated his confession of having murdered the child. There were neither threats nor promises held out to him to induce him to make these confessions.

The thanadar of the Bow Bazar thana and Beebe Rosina confirmed these statements of these last witnesses, and the latter added, that when she saw the corpse she was so frightened that she lost her wits. She had been out the whole of that day and did not return till past 9 o'clock p. m.

Beebe Nanachee, the daughter of the landlady, deposed, that she last saw the deceased on the night on which he was murdered playing near her at 7 o'clock p. m. At about 8 o'clock p. m., he expressed a wish to retire to sleep. At about half an hour after the child had thus retired, the prisoner came and lighted a cherag and went into the hut where the child had slept, and about half an hour after that, she heard a noise at her door, and when she opened the door of her hut, she saw

the prisoner in custody, who confessed the murder in her presence, and she saw the corpse.

Mr. R. H. Bain, police Surgeon, deposed, that he examined, on Wednesday the 28th March last, the corpse of the deceased, which was pointed out to him by Bebes Rosina in a hut in Bow Bazar lane. Its throat was cut from the ear to the jaw-bone, and all the jugular arteries separated. The deceased died from hæmorrhage caused from the effects of the wound. An instrument like the knife produced might have inflicted such a wound.

This closed the case for the prosecution.

The prisoner in his defence said, that during the time the ayah was in Mrs. Ogilvie's service, he obtained a situation as a cook to proceed to the upper provinces with a gentleman, on a salary of twenty-eight rupees a month. The gentleman resided at the Bengal Club-house. Shortly afterwards, he heard, that the ayah had returned to her house indisposed, and because she had no person to attend her during her sickness, he quitted his service, gave a substitute, and came to his residence with an intention of administering to her wants. When he arrived at his hut he ascertained that the ayah had that morning hired a palkee and gone back to her mistress's service. A few days after this, the ayah again came to her home to see her child. The prisoner then blamed her for having returned, whilst sick, precipitately to her service. The ayah made some frivolous excuse, and the matter dropped there. Subsequently, the prisoner visited her occasionally at her mistress's residence, and Mrs. Ogilvie, who had observed that he came repeatedly to see the ayah, asked who he was; and when she learnt he was the ayah's protector, and a cook out of employ, she expressed a wish to engage his services from the 1st of April 1838, in consequence of the cook who was then in her service having applied to her for leave to return to his country, and see his mother, who, he said, was seriously indisposed.

The prisoner, when this proposition was made to him, consented to it, and on the day on which this murder is alleged to have been committed by him, he worked at Mr. Ogilvie's the whole day on trial. During that day the prisoner remarked to the ayah, that if both she and he were to remain in service at Mr. Ogilvie's house, who would look after their child? and proposed to her to give a substitute and resign her service, and return home and attend on the child, adding, that he would remain, and by the savings from his wages liquidate their debts. The ayah replied that she was willing to accede to his proposal, provided her mistress consented to discharge her; and requested the prisoner to re-consider the matter, and as they were both deeply in debt, whether it would not be more judicious for them to remain in their situations until their debts were discharged; adding, that if the prisoner, at the expiration of the month, still persisted in his present request, she would then comply with it. The prisoner then, after Mrs. Ogilvie had finished her tiffin, at 3 o'clock p. m., waited on her and communicated what he has just stated in the Court, to her. Mrs. Ogilvie consequently called for the ayah and asked her if she wished to quit her service; who then retracted the promise she had previously made, and replied, that as she was in debt, she would rather stay in service and clear it. Shortly after this had occurred the prisoner overheard Mrs. Ogilvie's advice, the ayah to discard him, observing to her that as she was a Christian and had now obtained a decent service it would be disgraceful for her to remain the kept mistress of a Mug cook, who was a good-for-nothing, idle vagabond. The prisoner, consequently, after Mr. Ogilvie's return from office, waited on him at 7 o'clock p. m., and repeated his request to discharge the ayah, and he would procure them a substitute in her lieu. Mr. Ogilvie then bit his finger and remained silent for a short time; but when he had ascertained that the ayah had no desire to quit his service, he refused the

prisoner's request. The prisoner then asked Mr. Ogilvie to assign a godown to him and the ayah where they could live in his house, and he would then bring his child and moveables, and live there altogether. This request enraged Mr. Ogilvie, who desired the prisoner to quit his house instantly, and never come there again; and added, that if his orders were not instantly complied with, he would send for a chokydar and consign the prisoner to his custody. A chokydar was accordingly sent for, and on his arrival Mr. Ogilvie told that functionary to turn the prisoner out, and if the ayah wished to accompany him she was welcome; but if she refused, and the prisoner became riotous, to take him into custody. Prisoner then quitted Mr. Ogilvie's premises, and sent word to the ayah to return to him those articles of his, which she had in her care. The khansama, who took this message to her, returned with an umbrella. This khansama has an intrigue with the ayah, and this was the motive why prisoner desired her to quit the service, and she refused. Prisoner then asked for his things, and the khansama said if he had anything it must be in his hut not here, as neither the ayah nor prisoner had brought any with them. The prisoner then quitted the place, and, in leaving it said to the ayah: "Very well, Lydia; you have obliged your new paramour, deserted me, and will not now accompany me home, as I requested you; but you will some day come to see your son, John Pereira, who lives at my house; and when you do so, I will detain you and not let you go back to Mrs. Ogilvie's house." On his way to his house the prisoner met the chokydar and the khansama going thither likewise. They informed him that they were going to take the child to his mother. Prisoner replied, "very well, do so," and proceed in a circuitous route on some urgent business. They, it appears, arrived in his hut before him, and when he came there afterwards, they seized him, beat him, and taxed him with having murdered his child; a crime of which he is wholly innocent and unconscious; for he always had loved the child and treated it kindly as if it were his own, and regretted its untimely death. Soon after this, the thanadar came and took him aside into the hut and said to him that if he could see him well he would hush up all further enquiry and get him released. Prisoner replied, that as he had not done anything wrong he had nothing to dread, therefore he did not know why he should give any money to the police people; if they had any offence to tax him with, let them take him to the police office at once, and have the matter investigated by a magistrate. The thanadar on this refusal desired the chokydars to bind the prisoner, and beat him severely, which they did, as they were taking him to the thana. In conclusion, he added, that all the witnesses for the prosecution were either his enemies, or had been hired by the ayah and her paramour to swear away his life, and the affair was a malicious conspiracy concocted between the ayah and the khansama to remove him as an object who was an hindrance to their intrigue, and, consequently, obnoxious to them.

The prisoner then called five Mug cooks who resided in the huts adjoining his. These men deposed, that on hearing an uproar they got up and saw the chokydars binding up the prisoner, and, on enquiry, learnt, that he had murdered his child, whose corpse they subsequently saw; but whether the prisoner or any other person had killed him they did not know. They added, that when the prisoner struggled hard to escape from the grasp of the chokydars, they gave him a few blows to quiet him.

This closed the case for the defence.

The learned judge then summed up and recapitulated the evidence commenting on it, particularly on the expressions deposed by the witness to have been made use of by the prisoner at the time he quitted Mr. Ogilvie's residence to proceed to his own hut, and observed, that in some cases a strong chain of circumstantial evidence went further to clear up a case than positive testimony, which in this court has often been made up of perjured



persons, adding, that the life of the prisoner depended on their verdict.

The jury, after a short retirement, found the prisoner guilty of the crime laid to his charge.

After this verdict had been recorded, the judge thus addressed the prisoner. "Horree, after a patient enquiry and consideration of your case, you have been found guilty of the crime of murder. No rational person who has heard the evidence this day, can have any doubt of your guilt. You have committed a most cruel and barbarous murder on an innocent child, and whom, it appears, you had formerly treated with kindness, and whose life you could not have destroyed from any malicious feeling to the child, but of revenge towards his mother, as your words on leaving Mr. Ogilvie's house, on that night, plainly indicate. You did it to wound the feelings of the mother. You inflicted death on a helpless child of six or seven years of age, whom any other person would have pitied. Such crimes must be punished with the utmost penalty of the law, to check their recurrence, and it only remains for me to pass the sentence of death upon you. The judge then, in the usual manner, sentenced the prisoner to be hanged at 6 o'clock A. M. on Monday (this) morning.

After this the Court adjourned till 11 o'clock A. M. to-morrow morning.

All the gentlemen who were summoned on the petit jury during this sessions, were in attendance from the opening of the Court at 11 o'clock A. M. till it broke up at 5 o'clock P. M.

#### ROBBERY AT THE HOUSE OF MR. AMOS.

The chief magistrate attended at the Supreme Court as it was about to adjourn on the 20th instant, to request the chief justice to permit him to send up for trial during the present sessions, the sirdar-bearer in the employ of Mr. Amos, one of the Law Commissioners, and the fourth ordinary member of council. The bearer, it appears, had confessed that he had broken open Mr. Amos's box, and taken out of it a considerable sum of money which he had buried in the compound of Mr. Amos's house; and, on his subsequently pointing out the spot where he had concealed it to Mr. Amos, the place was dug and the money discovered in it. The application was granted by the judge.—*Hurkaru*, April 21.

APRIL 21, 1838.

(Before Sir E. Ryan and a Petit Jury.)

Punchanund Ghose was tried for burglariously entering the house of Ramsdooner Mullick on the 31st March 1838, and stealing from thence a brass *cuisse*, the property of the prosecutor.

The prisoner pleaded not guilty.

Ram Govind deposed, that he is the prosecutor's son, on the night in which this robbery was committed, he had, after having locked the doors of his place of worship, taken the keys and retired to sleep. He was disturbed late at night by a noise over the roof of the room in which he slept. He awoke the durwan and went upstairs to the place of worship, and perceived the padlock lying there broken, and the doors of the place broken open; and when they entered the room, they perceived a person rush out of it, seize the top of a palm-tree which grew contiguous to the place, and drop down by it, and ran off. Deponent then called out to the choky-dars to seize the prisoner, and one of them succeeded in arresting him. Prosecutor, when they saw the prisoner in custody, observed that he was smeared with mud, and had his head bruised, occasioned by his clinging to the palm tree, and passing through a drain behind

the prosecutor's house. He said that he lived close by, and had come to grind corn. The next morning they found a brass water jar lying in the drain, together with a long rope at the spot where the prisoner had jumped down, and they perceived a bamboo-ladder fixed from the roof of Petumber Mookerjee's house, which adjoins his house, to the roof of the second story of his house, on the top of which is his place of worship. As the night on which this robbery occurred was dark, this deponent did not see the features of the man who jumped from his house to the palm-tree.

Bendoo Sing confirmed the testimony of the last witness, and the thana chokydar and the naib of the thana deposed to their having arrested the prisoner, and his having confessed to them the robbery, and begged of them not to maltreat him. The latter produced the jar, and the first deponent recognized it to be his property.

The prisoner said, that whilst he was proceeding home from his master's service, he was seized by the choky-dars, axed with this crime, beaten and taken to the thana in custody. Prisoner called Kasi Hozra, who said that the prisoner had been a long time in his service, and had borne a very good character. So did four other witnesses.

The judge summed up the proceedings, detailed the evidence, commented on it, and then left it to the decision of the jury.

The jury without retiring, found, the prisoner guilty.

The learned judge then sentenced the prisoner to seven years' transportation to the S. E. Coast of Martaban.

Gopeeya was tried for having, on the 17th of April last, stolen from the house of Andrew Amos, Esq., his master, Co.'s Rs. 60-8 annas and 150 Madras rupees, and 13 annas and two silk handkerchiefs.

The prisoner pleaded guilty.

Andrew Amos, Esq., then addressed the judge in mitigation of the prisoner's punishment, by saying that he was sorry to say, that there was in this case a large sum of money on the table placed before the prisoner, which might have been a temptation in his way, and which he will never place before any servant again.

Mr. Amos then deposed, that the prisoner was a bearer in his service, and had been employed in pulling the punka in his room. Deponent on the 17th instant, missed about Co.'s Rs. 60 and 150 Madras rupees. Deponent had separated the Madras and Co.'s Rs. separately, and put the Madras rupees in a kerchief, tied it and locked it in a box, and put it into another room in the prisoner's presence. About two or three days after the prisoner confessed the crime and pointed out the place where the money was concealed, which was recovered. Deponent has not counted the money recovered, but he believes that all of it has been recovered, at least from its appearing to be the same amount.

The learned judge then addressed the prisoner, and after he had been cautioned and persisted in his plea of guilty, sentenced him to two years' imprisonment in the house of correction.

The chief justice informed the grand jury, that in the case of a commission of lunacy regarding which the grand jury had presented a petition to him signed by the foreman of the special jury summoned on that occasion, he had directed the papers to be handed over to the chief magistrate of the police office, who, after he made the requisite inquiry, had informed the judge that he had not on an investigation of these papers, been able to find grounds to prefer any indictment against any particular person; but if the grand jury were not satisfied with the result of this investigation, they could have the papers submitted to them for perusal, and make any presentment on it that they may consider requisite in this matter.

All the persons who are empannelled during the present sessions were desired to remain in attendance during the whole time the Court sat to-day and yesterday. — *Hurkaru, April 23.*

APRIL 21, 1838.

(Before Sir E. Ryan.)

Cheedam, Ramshaw and Ruggonath were tried, the former for having robbed Sheeboo Raur, his mistress, of several articles of value, and the two latter with having received the same, knowing them to be stolen property.

Cheedam pleaded *guilty*. The other two *not guilty*. Sheeboo Raur deposed, that she resides in Gurankutta. Cheedam was her domestic servant. On the 3d of April instant, she went to see the Ram Nubboomoy Poojah, leaving Cheedam in charge of the house. When she returned she discovered that Cheedam had absconded during her absence, and her trunks and boxes had all been broken open and rifled of their contents. The prosecutrix here detailed the articles which she had lost. On the evening of the 4th instant, she saw her property at the Joorah-bagan thana. Cheedam never returned to her service again.

Bessumber Seth deposed, that he is a writer in the military auditor general's office, and visits the prosecutrix at her house occasionally. On the evening of the 3d instant, he went there as usual, and learnt that her house had been robbed by Cheedam, during her absence, who had absconded; and he then despatched her servant Sadoo to search for him. Sadoo returned the next evening, and communicated to deponent something which induced him to accompany him to a house in Puthurghutta, where he saw Ramshaw and others. Sadoo informed deponent that the stolen property was concealed in that house. When the inmates of the house saw deponent, they fled. Deponent then went to the thana and returned with the jemadar. On his return, he found that Nubboo Kisto Uddee, Banian, had driven Sadoo away from the house, and locked it. At the thanadar's request he opened it, and when they had entered it, Sadoo desired Ramshaw to point out the place where the property was concealed. Hearing this, Ramshaw began to cry. "The thanadar said to him, don't weep, point out the property, and you shall be released. Ramshaw then pointed to a trunk in the room, and said that the property was buried under it; but that he had not stolen it, nor was he aware of its being there until Cheedam had informed him of it. The thanadar then caused the trunk to be removed, and after they had dug a considerable depth under it, they discovered a large earthen pot in which were some clothes. Deponent then said, where is the box of jewels, and Ramshaw replied, "beside the earthen pot." It was found there. The thanadar then observed, that it would be advisable to send a person to the prosecutrix, and desire her to come and recognize her property. Deponent consequently ordered Sadoo to convey the message to her; and she came with him and identified her property, and inquired where her silver mounted hookah was. Ramshaw replied, he did not know, but perhaps Ruggonath might. The thanadar then left some chokeydars to guard and search the house, and went in search of Cheedam and Ruggonath, and deponent and the prosecutrix returned to their houses.

Sadoo deposed that he, by the order of the last witness, went in search of Cheedam, and found him at his house, in the village of Khoordah, six coss from Calcutta. He questioned him regarding this robbery, and prevailed on him to confess where he had concealed the property, and to return with him to Calcutta and point it out to him. Cheedam, on his arrival at Calcutta, put up at his cousin's house, sent for Ramshaw and desired him to

go with the deponent and point out the stolen property to him. Deponent then accompanied Ramshaw to his house, and requested him to watch there a short time, till he went and informed his master of what had occurred since he had left him; and they then both came to Ramshaw's house, where the property was found. The rest of this witness's evidence was corroborative of Bishumber Seth's testimony.

Foujoddeen, thanadar of Jorabagan thana, confirmed the testimony of the two last witnesses regarding him, and added, that neither Cheedam nor Ruggonath were present when the concealed property was found in Ramshaw's house. He arrested them about two hours after this, and Ruggonath, on being questioned, pointed out the silver mounted hookah, which was concealed in some jute leaves in the adjoining room.

Nubboo Kisto Uddee deposed, that he is the proprietor of the house in which the stolen property was discovered, and has rented it to the prisoner Ruggonath, who has five under tenants. Deponent is a collecting sircar in Rajah Nubkisson's cutcherry at Nimtollah, and lives contiguous to the house in which the search was made; shortly previous to which, in returning from his employer's cutcherry, he passed it as he usually does, and finding the house empty and the doors shut, he locked it. He witnessed the search, Cheedam was present at the time, and so was Ramshaw and Ruggonath.

In this stage of the proceedings, the thanadar produced the articles found, and the prosecutrix recognized them to be her property.

Bishumber Seth recalled, deposed, that neither Cheedam nor Ruggonath were present when the search was made, and to come from the Rajah's cutcherry to Nubboo Kisto's house, there is no occasion to pass the house where the prisoners live.

Ramshaw in his defence said, that Cheedam had intimated to him where the property was concealed, and had desired him to go and point it out to Sadoo. How or whence it came there, he did not know.

Ruggonath said, that he is a porter that plies for hire, and is consequently out all day, some ill-designing person must, during his absence, have brought these articles to his hut, and concealed them there without his knowledge.

Cheedam said, that he had stolen the goods and had hired the two prisoners to take them to his hut and conceal them there, but they did not know that the property was stolen.

The learned judge summed up the proceedings, detailed the evidence and commented on it, and then left the case in the hands of the jury.

The jury, after a short retirement, brought in the prisoners *guilty* but, recommended them to the mercy of the Court.

After this verdict had been recorded, the judge sentenced Cheedam to seven years' transportation to the S. E. coast of Martaban, and the other two prisoners to be confined in the house of correction for 12 months each.

The grand jury returned the following bills to-day.

True bill against Mazurrodeen, for stealing from a dwelling house.

True bill against Shumshooden, for forgery.

No true bill against Rajkissen Mitter, for forgery.

No true bill against Russick Dutt and others, for an assault and false imprisonment.

No true bill against Abdar Syrang and others, for an assault.

The grand jury having finished all bills that were to be presented during the present sessions, informed

the judge that they had perused the papers in the lunacy commission case. To them it appeared to be one of great suspicion; but as they could not make out a charge against any particular person from what they had perused, they had no presentment to make to the judge on it.

After this the grand jury was discharged.

Previous to the adjourning of the Court till Monday next, the 23d instant, at 10 o'clock p. m., the judge ordered Agapetur Dela Raize, Mariana Francisco, Augustus de Amone, Rahameo Antuneo, Clemente, and John Lawrence (the six Dutch subjects who had been tried and convicted of the crime of piracy during the third sessions of the year 1836, and had sentences of death recorded against them, the execution whereof was delayed pending the decision of the Queen in Council, on their case, which was referred to England for that purpose) to be this day brought up and informed them, that Her Majesty had been graciously pleased to confer her free pardon on them all, and they were discharged accordingly. At about 2 o'clock p. m., the judge empanelled a second petit jury, and then discharged the one empanelled at 11 o'clock p. m. as well as the other gentlemen who were summoned to serve on the petit jury during the present sessions for to-day, and informed those that had served to-day, that they need not come on Monday unless they wished it. — *Hurkaru, April 24.*

APRIL, 23, 1838.

(Before Sir E. Ryan, Chief Justice, and a Petit Jury.)

Mazuhurooddeen was tried for stealing, from the house of Sookut Ally, in Sheebou Thakoor's lane, a silver watch, shawls, and wearing apparel, to the value of Co.'s Re-270.

The prisoner pleaded *not guilty*.

The prosecutor was called on his recognizances, and not answering they were estreated.

Paunchoo kidmtutar, of Shoucūt Ally, deposed, that his master is sick and not able to appear, and he knows the prisoner, who is a teacher. Emdad Ullee was in his master's service. His master was robbed on the 3d March. Looks at the goods and recognizes the property produced in Court, and identifies them to be his master's.

Calahchund, maker of lustrs, deposed, that the prisoner lived near his neighbourhood. He saw the prisoner go to an empty house and put a bundle of clothes in a gumloh. Tarrachand suspecting him, went and took out the goods. Prisoner said they were his. Deponent then sent for a tailor to fit on the clothes, but they were too large for him. Deponent having heard of Shoucūt Ally's house, took him there. Shoucūt Ally said, the goods are his; but asked where were the shawls and the watch. Prisoner then said that Emdad Ally had left them with him to pledge, and produced the watch and shawls from a drawer.

The thannadar deposed to having arrested the prisoner, and to his pointing out the stolen articles to him, prisoner said that Emdad Ally, who had returned to his country, brought them to him to be pledged for 100 rupees.

The naib and two chokeydars confirmed the last witness's testimony.

This ended the case for the prosecutors.

The prisoner in his defence said, that Meer Emdad Ally brought the shawl and watch to him and said that Meer Shoucūt Ally desired him to get these articles mortgaged to him and get him 100 rupees on their pledge. Prisoner at first refused, but on his representing that Meer Shoucūt Ally urgently required the money,

he desired him to leave it and tried to raise the 100 rupees on its pawn; but he could not prevail on any person to give him more than 60 rupees upon it, and when Emdad Ally came again to inquire of him, he informed him of it and told him, unless he could bring more articles, he could not raise the 100 rupees; and, he desired Emdad Ally, if he would not get 60 rupees on the articles now sent he had better take them away. He desired prisoner to keep them and take charge of a bundle of clothes till his return from the neighbourhood, and as he did not come soon, he tied up the articles in a bundle, and he intended to proceed, to Shoucūt Ally's house, when he heard the call to evening prayers. He went to pray, and on his return he saw the bundle had been opened and the shawl taken away. He saw Calachand by the bundle, and taxed him with having concealed it, and said to him, "brother, if you have taken the shawl return it." Calachand denied that he had taken it; but when the prisoner said that unless he would produce it, he would complain against him to the thanna, he then said if he would make him a slight present he would restore them. Prisoner said he would, and Calachand despatched a person to the thanna and had prisoner arrested on this charge, which is a conspiracy.

Prisoner then called two witnesses, who deposed to Emdad Ally's having brought the articles in their presence to pledge, and gave him a general good character, and that Emdad Ally had gone to his native country.

The learned judge then summed up, detailed the evidence, and after commenting upon it, left the case in the hands of the jury.

The jury returned a verdict of *guilty*.

Meah Jaun was tried for stealing, from the person of Beebee Dil Jaun, two gold neck-chains, valued at 200 rupees.

The prisoner pleaded *not guilty*.

Dil Jaun deposed, that she resides in Emanbang lane, and lived there in March last. On the night of the 12th of that night, deponent sent her servant Ramzan to purchase some milk for her. Some delay having occurred in his return, prosecutrix stood at her gate waiting Ramzan's return; and, whilst thus standing, she perceived four persons coming from the eastward by the light of the moon, and the prisoner who was one of them, when he came up to the prosecutrix, seized the two gold chains on her neck, and giving them a violent jerk, they broke. He then ran off with them to the westward, and prosecutrix, called out to a chokeydar to stop the thief, and one of them came to her assistance, and pursued the thief, so did the prosecutrix and her servant. The chokeydar seized the thief a little beyond the Emanbarrah, near Mangoe lane, and the prisoner threw him down. The chokeydar then called to his fellow chokeydars for help, and one of them came to his assistance and secured the prisoner, and, on searching his person, one of the chains, valued at Re-150 was found, but not the other. Prisoner denied all knowledge of them. The prisoner was then taken to the town-guard, and the article which was found, consigned by the order of Captain Birch to the thannadar's care. The prisoner is a perfect stranger to prosecutrix. Cross questioned, Peeroo, the naib of Shibtollah thanna, is not the prosecutrix's paramour, nor did he instigate her, from motives of jealousy to get rid of an obnoxious rival, to trump up this charge against him.

Jaffer and Mobaruk, chokeydars of the Shibtollah thanna, and Ramjam, her servant, corroborated her statement fully. Mr. McCann produced the chain and identified the property.

The prisoner put in a petition of defence, the purport of which was, that Peeroo, naib of Shibtollah thanna, had a quarrel with the prisoner, and threatened to be revenged on him; and as he was one night passing by Coast-

tillah street, they took him up, by the aid and counsel of the thanadar, Beebee Dil Jaun, the prosecutrix, who is Peeroo jemadar's mistress, and other myrmidons of the police. When the naib thanadar mentioned that he could not confine the prisoner on a charge of assault, prosecutrix took out a gold chain from her neck and charged prisoner with felony: they then took him to the police office, and there they took 10 rupees bribe from him.

The prisoner called nine witnesses, who deposed, some to one part and some to the other, with several discrepancies, to the following tale:

The prisoner and Peeroo jemadar had a quarrel. Peeroo threatened to be revenged on him. Dil Jaun was Peeroo's mistress. At 9 o'clock Dil Jaun accused him of having pulled her hand to one of her neighbours, and at 11 they saw him in custody. Some said that they saw the prosecutrix at the time, and she charged the prisoner with the theft: others that she was not there, and they on inquiry learnt from the passers by, that the prisoner was charged with an assault. The prisoner was beaten when taken to the thanna. All of the witnesses deposed, that they were strangers to the prisoner with the exception of one, and two of them said that they knew nothing about this affair.

The learned judge then summed up the case, detailed the evidence, and commented on it, pointing out its leading features, and thus left the case to the decision of the jury.

The jury retired for about a quarter of an hour, and then brought a verdict of *guilty*.

After this verdict had been recorded, the prisoner was sentenced to seven years' transportation to the S.E. coast of Martaban. The judge remarked, that he had aggravated his offence by the false defence he had set up.—*Hurkaru*, April 25.

TUESDAY, APRIL 24, 1838.

(Before Sir E. Ryan, Chief Justice.)

Pierre Prosperree Millineur, was tried for the murder of Bolaky, byce, on the Chitpoor Road, on the 4th of March, by wounding him with a knife, from the effects of which he died on the 5th of the same month.

The prisoner pleaded *not guilty*.

Mahomed Thumus deposed, that he is the durwan of Agah Mahomed, near the Teretta Bazar. On the night of the 4th March last, whilst deponent was sitting at his employer's gate, two European sailors came there, and one of them attempted to enter the house, but deponent shoved him back, and they desisted, and the man who was shoved put himself in a fighting attitude, and in doing so, some cheeroots dropped from his hat. Shortly after this, in consequence of some intimation being given to the neighbouring thana, the thanadar came, accompanied by some chokeydars; and whilst deponent was putting up the cheeroots for the sailor, asked deponent if he had any complaint to prefer against the sailor. The sailor, who was a short person, seized Jumun, chokeydar's stick, and attempted to wrench it from his grasp. Jumun resisted, and whilst the sailor and Jumun were struggling for the stick, the sailor drew a clasp-knife and attempted to wound Jumun with it. Seeing this, Jumun abandoned the stick and ran away. The sailor after he obtained possession of the stick ran up and down the Chitpoor road, striking the passers by, promiscuously, with it. He struck the deponent a blow with it, and attempted to wound the prisoner with the knife; but deponent ran into the house, and shut the door on him. Soon after this, deponent heard that the sailor was taken into custody near the town guard, and, whilst deponent was proceeding from his employer's

house to Mr. McCann's to show him the wound of the blow of the stick, he saw the wounded man lying near the town guard. The night was a moonlight night, and deponent saw the faces of both the sailors, and as he spoke to them he could recognize them again. The prisoner was the person who acted so very outrageously in the streets. The other sailor ran off towards the town guard, but returned again soon after, and stood at Mr. Latour's gate, where he was apprehended, as deponent heard, but he was not present when he was taken up. Deponent saw the other sailor standing at Mr. Latour's gate after the prisoner had been arrested. When the prisoner and his companion came to deponent's master's gate, there were no chokeydars beating him. After deponent had closed the gate on the prisoner, he knocked two or three times at the gate and then went off. As the deponent was within the house at that time, he did not witness the subsequent transaction. Both the sailors were apparently intoxicated. Agah Mahomed only witnessed the latter part of this riot.

Agah Mahomed Baukur, deposed, that he is a merchant, and resides on the Chitpoor road. The last witness was his servant. Deponent is a native of Peperoz, and trades with the Persian Gulph. Deponent recollects the 4th March Sunday. Deponent was disturbed by a noise in the street opposite his gate, and, on enquiry, learnt that two sailors were making a riot in the street. He did not go out then. Shortly after this, there was another disturbance, and when deponent went to his gate to enquire into it, he then saw two European sailors, one standing in the street, and the other standing with his back at his gate with some bright instrument in his hand which shone in the moonlight. Deponent, as he had heard that these sailors had attempted to enter his house, desired his servant if they attempted to do so again to go to the thana, bring some chokeydars, and have them removed. When deponent left his office to see the riot, some of his friends came out with him. The one at his gate with the instrument in his hand, was a short man; but deponent would not be able to recognize him again. Deponent was at his gate four or five minutes, and whilst there he saw no beating or chokeydars.

Emamdee, naib of Loll bazar thana, deposed, that on the 4th of March last, a passer-by gave some intimation at the thana which induced him to go from the thana to the spot, opposite the house of Hukeem Punnahally, in the Chitpoor road. When he arrived there, he saw two European sailors standing there. They pointed to some cheeroots which were lying in the street, and said something in a dialect which deponent did not understand, Agah Mahomed's durwan picked them up, and tied them in a kerchief and gave them to one of these Europeans. The European, when he received them, flung them down, and deponent desired Jumun, chokeydar, to put them up and deliver them to him; and whilst Jumun was delivering them to the European, he seized his stick. The prisoner was the European. The prisoner, whilst struggling for the stick with Jumun pulled out a knife from his pocket, and when Jumun saw it, he let go the stick and ran away, and the prisoner went to the gate of Mr. Latour and spoke to some gentlemen who were standing there. There was a great crowd opposite the shop of a vial-seller, and the prisoner ran towards them. Hukeem Punnah Ullee's house, Agah Mahomed, Mr. Latour's, and the vial merchants are near to each other and in the same street. When the prisoner ran towards them they all ran away; but the vial man, who is blind, cried out "he has wounded me, he has wounded me." The prisoner after this, came back again to Mr. Latour's gate, and from thence he ran off towards the Loll Bazar, and he desired some chokeydar to pursue the European, whilst he took charge of the wounded vial-seller with an intention to send him off to the police hospital; and after he had sent off the wounded man to the thana, he, on his way,

saw Burkawallah syce, lying wounded opposite the town guard near his thana, and when he inquired of him why he was lying there, he said a European sailor had wounded him. The wound was on his left side and his entrails had protruded through the wound. Deponent took both the wounded men to the town guard, where he met Mr. McCann, who directed some of the sepoys there to take them to the police hospital. The prisoner appeared to be somewhat intoxicated, but not so the other sailor, nor did the other quarrel with any one but walked away quietly.

Jumun, chokeydar, deposed, that he was one of the chokeydars who accompanied Emamdee, naib, from the thana to the Chitpore road. This deponent confirmed the deposition of the last witness from the time he went to the place where the prisoner had wounded the blind man, to the time when he left the naib and pursued with other chokeydars the prisoner, who was running down the lane and flourishing his knife. When he came near the town guard he met the thanadar of the Loll-bazar thana. When the prisoner arrived at the town guard he attempted to wound Euseph Khan, the sentry at his post; but the sentry intimidated him with his bayonet. Deponent then got behind the prisoner and seized him by the leg and threw him down with a jerk. As the prisoner fell, the thanadar struck his hand with a stick and the knife fell from his grasp, and Buldoo Sing, burkundaze, took it up. Soon after this a constable came to the place and took the prisoner into custody. The prisoner was the man so arrested. It was a moonlight night, and deponent saw his features distinctly and can identify him. After the prisoner's apprehension, deponent returned to the thana and saw Burkawallah, syce, lying there wounded, and the blind vial-seller. Deponent was one of the persons who conveyed the two wounded men, by Mr. McCann's direction, to the police hospital, where they had their wounds dressed by an European Doctor.

Neamoddin, chokeydar, deposed, that on the night of the 4th March, at 10 o'clock p. m. a person came to the thana saying that a European was attacking the passers-by on the Chitpore road with a knife. Emamdee, jemadar, went to the spot indicated with some chokeydars, and deponent was one of them. When he arrived there he saw two European sailors and some men assembled there making a noise. This witness then confirmed the testimony of the two last witnesses as to what had occurred at that place, and added, that when the prisoner made towards them they ran off to the door of the vial-man and leaped over a ditch opposite the shop, where the blind man was sleeping, who on hearing the noise came to the acqueduct, where the European sailor came up to him and wounded him with the knife in deponent's presence, who went and staunch-ed his wound. Prisoner then went back to Mr. Latour's gate. Deponent followed him, and when he attempted to seize him, an European gentleman seized the prisoner and snatched his badge from his waist, and asked deponent why he was following the sailor. Deponent replied, that the sailor had wounded a blind man near the acqueduct, and he was following him in consequence, and took the gentleman and showed him the wounded blind man; and whilst so doing Emamdee, naib, joined them. Here the judge desired Mr. Guizenec to be called, and the prisoner said he was the person who had seized his badge. When Mr. Guizenec saw the wounded man he delivered up the badge to the naib, and deponent received it from him and followed the prisoner, exclaiming that a European sailor had wounded an old blind man, and when deponent arrived opposite the town guard, he saw the prisoner in custody and immediately afterwards Hubeebullah, naib, came and informed them that the prisoner had wounded a syce likewise; and Mr. McCann, who had come to the town guard on hearing of this disturbance, ordered the prisoner to be locked up there, which a constable did,

and the two wounded men were carried to the native hospital, near the Chandney Choke, and the deponent then went with some chokeydars and arrested the other sailor at the Fonzdarree Balakhanna without resistance.

Constant Guizenec, deposed, that he is a Frenchman, and has resided five years in Calcutta, and can speak the Bengally language. On Sunday night, the 4th of March, 1835, at the hour of 10 o'clock p. m. precisely deponent was coming out of Mr. Latour's house on the Chitpore road, and saw some natives surrounding a sailor and beating him with sticks. The sailor extricated himself from his assailants and joined deponent at Mr. Latour's gate, and as he spoke French, deponent asked him what was the matter? The man replied that he belonged to a French ship lying in this port, and having obtained leave to come on shore, he had been to the bazar and purchased some cheroots, kerchiefs and three knives which he had by him, together with some money, when he was attacked by natives, who robbed him of all except his knives. Deponent then showed the men one of the knives and said, that if they assaulted him again he would be obliged to use it. Deponent suggested to him to deliver up the knives to him, and he would procure him a palkee to take him to his ship. Before the sailor could answer, he received a blow from a chokeydar across his arm with a stick which nearly felled him. The sailor then, without waiting to reply to deponent's suggestions, made a rush at the chokeydars with the knife in his hand. They all ran off towards the acqueduct, towards which the sailor followed them; but when he reached the acqueduct he stumbled and fell. Deponent followed the chokeydar who had struck the sailor, and asked him why he did it, and seized his badge. The chokeydar denied that he was the man who had struck the prisoner. Soon after this the naib came up and informed deponent that the prisoner had wounded a blind man near the acqueduct. Deponent then gave up the chokeydar's badge to the naib, accompanied him to see the wounded man, and when he had seen him he returned home. Deponent did not see the sailor again till on his way home he heard that he had been arrested by the police authorities. The prisoner is the sailor alluded to. The prisoner held the knife in his left hand, and was both intoxicated and in a great rage. The beating which the prisoner got was very violent, particularly the blow which he received at deponent's door. Deponent believes that the persons who had beaten the prisoner were chokeydars; but he did not see their badges. The old man must have been wounded after the prisoner, had received the blow at Mr. Latour's door. Deponent believes the irritation of this last blow must have provoked the prisoner, and he must have wounded the wounded man whilst pursuing with the knife his assailant. Deponent had no conversation with any of the chokeydars beyond what he has just stated.

Hubeeb-ollah, naib of the Loll Bazar thana, deposed, that the information of a riot was brought at 10 o'clock p. m. in his presence to the thana, and Emamooddeen, head naib, proceeded towards the spot, and half an hour after this, hearing the uproar increase, he proceeded to the spot with some chokeydars to enquire into the matter. On his way, he saw a sailor coming down the Chitpore road with a knife in his hand, making blows with it to the right and left, and the crowd running away before him. Deponent seeing this turned to the side of the street and avoided him. The sailor made a rush with the knife at deponent, but missed him and ran on. Deponent and his party followed him, and heard that the prisoner had wounded a man. This deponent related the prisoner was captured, and identified him to be the sailor he alluded to in the same manner as Jumun chokeydar did. Deponent then went by the order of the thanadar to bring the wounded man from the thana to the town guard, where Mr. McCann was to show them to him. When he arrived

at the thana, he saw Baukoollah lying there likewise wounded, and his bowels protruding, and brought both the wounded men to the town guard to Mr. McCann, and by his orders he took both the wounded men to the native hospital near the Chandney Choke. Baukoollah died on the night of the 5th November. On Monday and on Tuesday at 2 o'clock p. m. deponent, by order of the police authorities, removed his corps, to the police hospital, when he pointed it out to Dr. Bain, the police surgeon, who examined it there.

Golam Hossan, thanadar of the Loll Bazar thana, deposed, that after he had sent off the two naibs to quell some disturbance at the Chitpore road, finding the disturbance and uproar to increase, he likewise went to quell the riot with the remaining chokeydars at the thana who were not on duty; and on his way deponent saw a European running down the Chitpore road with a knife in his hand, rushing at every person in the street with intent so stab them, and they avoiding him and Neam Oddeen, chokeydar following him, and calling out that he had stabbed a blind man. When the European came near deponent, he made a rush at deponent, who stepped aside and avoided him, and when the sailor had passed the thana and arrived opposite the shop of Rutton shoe-maker, where there were four or five persons standing, the sailor made a rush at them with the knife in his hand, and then ran off towards the town guard, where he held a conversation with the sentry on duty, and threatened to stab him; and the sepy replied that if he approached him he would run the bayonet through his body. During this conversation Runjeet Sing, the naib of the town guard, came out and attempted to wrench the knife from the sailor's grasp; but when the sailor made a rush at him, Runjeet Sing ran back to the guard house and shut the door. Here Jamun, chokeydar, went behind the prisoner and seizing him by the leg and threw him down with a jerk. Deponent knocked the knife out of the sailor's hand and secured him. The prisoner is the man. After the prisoner was arrested, Runjeet Sing came out with a knife in his hand and said that he had wrenched it out of the prisoner's hand and had been wounded in the attempt. There was no blood on the knife which Runjeet brought; but the square head knife which deponent struck out of the prisoner's hand had marks of blood on it.

Euseph Khan, deposed, that whilst he was standing at his post at the town guard, he perceived four Europeans passed his thana, and in doing so they said "beware there is a drunken sailor pursuing us with an open knife in his hand." Soon after this deponent perceived the prisoner approach with a knife in his hand. Deponent stopped him, and when the prisoner attempted to stab him, deponent presented his bayonet towards him and desired him to stand still, or else he would bayonet him. Deponent then perceiving the handle of the knife below the prisoner's grasp, wrenched it out of his hand, and gave it unto Runjeet Sing, the town guard naib's hand. Runjeet Sing then attempted to arrest the prisoner; but the prisoner drew a second knife and attempted to stab Runjeet Sing with it. Runjeet Sing wrenched it out of his grasp and was wounded in the hand in doing so; then the prisoner drew a third knife, and Runjeet Sing withdrew to the guard house and shut the door. After this the prisoner stumbled once and hurt himself in the face. Golam Hossan the thanadar and the chokeydars then came to Jamun, chokeydar, seized the prisoner's leg and threw him down; and Golam Hossan struck with a stick the third knife out of his grasp. After this the prisoner was secured. The deponent identified the prisoner to be the sailor alluded to in this affray.

Runjeet Sing Lulla, naib of the town guard, deposed, that seeing an altercation between the last witness and a sailor with a knife in his grasp, he tucked up his sleeves, wrenched the knife out of the sailor's grasp, and as he was going into the guard house he pulled

deponent back by his clothes, and drew another knife and attempted to stab the deponent with it. Deponent seized it by the blade, and in doing so he cut his hand. Deponent then rebuked the sentry for not alarming the guards and securing the prisoner; and he then roused the guard, and Buldoo Sing, peon, snatched the other knife out of his hand, and the sepyos at the guard then came and arrested the prisoner. Deponent here produced the knife which he had taken from the prisoner whom he likewise identified.

Buddul Sing, deposed, that whilst he was in the town guard, their naib called out to the peons for assistance. Deponent came out thereupon and perceived Runjeet Sing and the sailor struggling, and the sailor had a knife in his grasp. Runjeet Sing then secured the knife from his grasp and got into the guard house, and as he went in he gave the sailor a shove which threw him down. The sailor got up instantly, drew another knife and ran at the sentry. Deponent then said to the sentry, is all this fun to you that you did not interfere when the sailor attempted to stab Runjeet Sing, and now if you do not charge bayonet immediately he will stab you. The sentry then presented his bayonet, and the sailor retired. Shortly afterwards the thanadar and his chokeydars arrived and Jamun, chokeydar, seized the sailor by the leg and threw him down, and deponent seized the knife out of his grasp. The sailor was then secured, and Mr. McCann and the constables came. In the mean time a European gentleman passed by and seeing the prisoner seized, asked deponent why they were thus maltreating him. Deponent showed them the knife and said that the sailor had wounded a man with the knife. They looked at the knife and then returned it to deponent and went away. Deponent here produced the knife stained with blood. This deponent identified the prisoner to be the sailor alluded to by him.

Suleem, chokeydar of Loll bazar thana, deposed, that as he was at duty at the thana, he saw a sailor run down opposite the thana pursuing two natives, with a knife in his hand. Shortly after this he perceived Baukoollah the deceased, come towards his thana crying. Deponent asked him why he cried, and he answered that the sailor who had just passed the thana with the knife in his hand had wounded him. Deponent, when the wounded man came opposite the thana, brought a light and examined the wound which was on his belly and his entrails had protruded. Deponent then took him into the thana and bound up his wound with a piece of cloth and led him on a cot in the thana. Afterwards Hubeebollah, naib, came and took the wounded man to the hospital. As the sailor passed running speedily past the thana he did not observe his features, so as to be able to recognise him again if he were to see him.

C. K. Robison deposed, that he is a magistrate, and he, on the 5th of March went to the native hospital at the Chandney Choke to take the depositions of the Baukoollah syce, a wounded man there. The prisoner was present at the time, and Mr. Delmar, the French interpreter and Mr. Leal the native interpreter, and a great crowd. Deponent cannot recollect the date, but it is in the deposition. Deponent cannot say if there were any of Baukoollah's relatives present. Baukoollah was sworn at the time. The depositions were explained to the prisoner, but he was asked if he would put any questions to him, and he said no. Baukoollah is since dead: looks at the depositions and says these are them. Baukoollah was perfectly sensible and collected at the time and expressed to deponent a conviction that he would not recover from the effects of the wound. Deponent once before saw him at the native hospital shortly previous to his taking these depositions.

C. F. Leal, interpreter to C. K. Robison, Esq., the magistrate, deposed, that he interpreted strictly to Baukoollah what the magistrate said; but he did not

interpret Baukoollah's reply. Baukoollah said that there were Europeans present at the time he was stabbed. One of them, the prisoner at the bar, he said was the man who had stabbed him. He said he recognized him because he was shorter than the other man, and had a bruise under his left eye and a short beard. Deponent read the depositions now in his hands, and he admitted them to be correct, and made his mark to it in deponent's presence, who witnessed it.

C. K. Robison, Esq., re-called, said, he cannot say who interpreted Baukoollah's reply to him; but he is so very proficient in the Hindoostani language in which Baukoollah spoke, as not to be in need of Mr. Leal's assistance in interpreting the replies to him. He commenced taking the deposition after Mr. Leal arrived.

P. Delmar deposed, that he explained Baukoollah's depositions to Milliner, who declined putting any questions, saying, that the deceased is a stranger to him, and if he were to question him he would not answer correctly, and he was too drunk to know what had occurred on the preceding night.

The depositions were then read. Deponent said that he was a syce. On the night of the 4th March, as he was passing down Chitpore road, at 10 o'clock p. m. in company with his cousin, of the two sailors now before him, the latter passed him by, but the prisoner, without any words, having passed between them came up to him and stabbed him in the stomach with a knife. Deponent recognized him by a scar in his face and his beard, and he is shorter than the other man. Prisoner is a perfect stranger to him; he had not seen him that morning at a punch-house. Deponent is perfectly aware that he will not be able to recover from the effects of this wound.

Hyder, syce, deposed, that he is a syce and cousin to Baukoollah. On the night of the 4th March last, at 9 o'clock p. m. as he was in company with him passing through the Chitpore road on their way home to Amrahtollah-street from Banstollah lane, where they had been to have read to them some letters which they had received from their families, and when they arrived opposite the three storied house near the Terretta-bazar, they met an European sailor with two knives in both his hands. As he came up to them he stabbed Baukoollah with one of them and he fell. Deponent through fear jumped across the aqueduct, and when the sailor passed them he came to his cousin by whose desire he returned to Amrahtollah lane, and brought his brother, Ruzzah-oollah, to the spot where Baukoollah had fallen, and not finding him there, they enquired at the Loll-bazar thana and learnt that he had been removed to the native hospital at the Chandney Choke, where deponent and Ruzzah-oollah went and saw him, and saw his wounds dressed. Deponent then went to his duty at his employers, and Ruzzah-oollah and remained with Baukoollah. Deponent was present when Dr. Bain and Dr. O'Brien dissected Baukoollah's corpse. The man who stabbed Baukoollah was a short man, but through fear deponent could not recognize him; but he subsequently heard that he was arrested on that night. If he had observed him sufficiently so as to identify him he would have done it before the coroner and at the police office.

Ruzzah-oollah, the brother of the deceased, deposed, that by information he went to the native hospital at the Chandney Choke, where he saw Baukoollah wounded and the Dr. O'Brien dressed his wounds. Deponent then went to his service and saw the deceased again at the hospital at 6 o'clock p. m., when the deceased informed him that if he would recover he would seek his redress, but if he died, he had pointed out the person who had stabbed him to the police magistrate in his presence.

P. O'Brien, the first assistant at the native hospital, at the Chandney Choke, deposed, that he recollects the deceased, Baukoollah, syce, being brought at about 11 o'clock p. m. of that night to the hospital. He had a wound on his left side protruding into the abdomen and a portion of the omentum had protruded out. It was a narrow wound  $\frac{1}{2}$  of an inch wide and  $\frac{1}{2}$  of an inch in length. Deponent thought either of the two knives in the court could inflict such a wound. The deceased gave his depositions to Mr. Robison, the magistrate, on the 5th March, and the deceased died at 11 o'clock p. m. on that day from internal hemorrhage caused by the wound he had received. The body was subsequently, by the order of the police, removed to the police hospital on the 6th March.

R. H. Bain, police surgeon, deposed, that on the 6th of March last, he examined the body of the deceased Baukoollah. There was one wound on the left side of the body a little better than one inch in length. Deponent shewed the head, chest and abdomen. There was a considerable quantity of coagulated blood in the abdomen, the lower extremity of the spleen wounded, the larger intestine had been divided in two parts, and there were two wounds on the omentum. The other membranes were all healthy. The lungs were rather soft, but healthy. The deceased died from internal hemorrhage caused by the wounds on the spleen and the omentum. Either of these two knives might inflict a wound of this kind.

This closed the case for the prosecution. Prisoner declined questioning any of the witnesses, asserting that he was too drunk to recollect the transactions of that night, so as to be able to cross question any of them.

He said, that on a Sunday morning, the 4th of March, he by leave left his ship with 20 rupees: his intention was to purchase some provisions, and three knives useful to his profession as a sail-maker. He likewise purchased three silk handkerchiefs and a box of cheeroots. He went with a shipmate who was arrested with him, to several places. He, from the quantity of liquor he had drank at these several places, became entirely bereft of all recollection of what happened subsequently; but he has an indistinct recollection of being assaulted by some natives in a street, which so irritated him, that he lost all recollection of what occurred subsequently; and it was not until the next morning, that he found himself in confinement at the town guard and his kerchiefs, his cheeroots, and three knives all lost; and he was then taken to the native hospital at the Chandney, and there he learnt for the first time of the crime he had been charged with.

The prisoner called no witnesses to substantiate his assertions, but put in a petition in English, the purport of which, he said, he had dictated and knew its purport and did not require it to be translated to him.

This petition was but a repetition of his defence. He put in a certificate of good conduct signed by Captain Laor De Paert, Captain of the *Salamauder*, French Frigate, on board of which ship he had served as a sail-maker to his Captain's satisfaction for one year. The certificate was dated Toulon, 5th June, 1835.

This closed his defence.

The learned Judge then summed up the proceedings and said, that the charge was one of murder, a very important charge, as on it depended the prisoner's life; and to clearly decide it, and do justice both to the prisoner and to the public was their important and painful duty. It is very evident that the deceased, Baukoollah, died on the night of the 4th March 1835; but no one has deposed that the prisoner wounded the deceased.

The only evidence of that kind is the deceased dying deposition. There is one person who deposed to his having wounded the blind man. One thing is plain, that the prisoner was intoxicated, and though the law does

not excuse intoxication for a crime, because if so people may first drink and then commit crime. Yet justice Holroyd has decided, that when a man who is intoxicated and had no previous malice against any person, and having without any intention to inflict an injury to any person, but for absolute necessary purposes any deadly weapon, and then and there receives a provocation, as is deposed by Mr. Guizenec, of his having been assaulted, and these irritated with intoxication and maltreatment, he, in a fit of anger, wounds with that instrument any person mortally, the crime is only that of manslaughter; but if any person swears that the prisoner did run a muck with a deadly instrument in his hand in a state of intoxication and wound all the passers by because he had been just previously assaulted by some persons, and stabs a person who was in no wise connected with the assault on him, and wounds him mortally, then the crime would amount to that of murder. Yet there is another circumstance to consider. If there is a great crowd and confusion, and the prisoner is struck by any of the crowd promiscuously, and in this crowd he meets the deceased and wounds him, mistaking him to be one of his assailants, although the man may not have been one of the assailants, yet it is very probable the assaulted person in the confusion might have mistaken him for one of them and wounded him in self defence in the state he then was. It is for the jury to draw this distinction between the crime of murder or manslaughter, from the evidence, and to judge whether the deceased was one amongst the crowd who had beat the prisoner on that night or was he met by the prisoner when he was not assaulted, but running wildly about the street and wounding all the passers-by promiscuously, and had at a time, when no persons were assaulting him, without cause or provocation, stabbed the deceased, as the deceased has declared; and the declaration made at that time by the person stabbed, even if made when the prisoner had passed on, but at the time he was wounded, is strictly in evidence, because it forms a part of the transaction itself.

Here the judge detailed the evidence of each witness, fully commented on the nature of it, and made learned legal observations on them to the jury. The judge remarked, towards the conclusion, that to constitute the crime of murder, malice, is required; but it is not absolutely necessary that sedate and deliberate malice to take the life of any one individual; for if a person without malice towards any person, shoots with a gun wantonly in a crowd, the crime in that case is murder. It is for the jury to decide whether the prisoner had inflicted the wound on the prisoner or not; and if so, whether the deceased was in the crowd that assaulted the prisoner, and in the confusion mistaken by the prisoner for one of the assailants; in that case it will constitute the crime of manslaughter; or whether he, in passing down the street, excited by angry, malicious feelings, wounding every person whom he met promiscuously had thus met the deceased who was not one of his assailants, and wantonly wounded him, which would be murder. If the jury doubted in a case of this kind, they must give the benefit of the doubt to the prisoner, and return a verdict in that case; but if they are convinced that he did it in the latter manner, they must, however painful it may be to their feelings, in order to discharge their duty conscientiously, according to their oaths, find the prisoner guilty of the offence for which he is now tried. If they doubt that he even wounded the deceased, then they must acquit him at once. After this he left the case in their hands, remarking that he had, as bound by his oath, tried the law in all its bearings in the case before them, and it now rested with them to return the verdict that they judged to be best suited to the case.

The jury retired for about quarter of an hour and returned a verdict of manslaughter.

The judge then addressed the jury and said, that

as the prisoner had been found guilty of manslaughter in the case just before them and thus acquitted of the capital offence, he could not possibly be thought guilty of having wounded the old, blind man, with an intent to kill, as the indictment charges him, therefore the jury had better be sworn to bring that indictment, and have it formally read to them, and then, after, the prisoner has pleaded *not guilty*, acquit him of that charge. The jury were then sworn to bring the indictment which was read to them, and the prisoner having already pleaded *not guilty*, the jury, as directed, acquitted him of this charge.

The judge then remanded the prisoner for the present, and said that he would, at another time, pass the sentence against him for the crime or which he had been convicted.

The prisoner was then removed, and the Court adjourned at 6 o'clock P. M. till 11 o'clock A. M. to-morrow morning.—*Hurkaru*, April 26.

#### SESSIONS.—APRIL 25, 1838.

(Before Sir E. Ryan.)

Petumber Mookergia and Holladhur Chuckerbutty were tried on an indictment charging them with having forged a document on the 5th of September 1837, purporting it to be the last will and testament of a Hindoo widow, named Servah Munglah Dabee, deceased, with intent to defraud Bemolah Dabee.

The prisoners pleaded *not guilty*.

Counsel for the prosecution, Messrs. J. Pearson and L. Clarke, Counsel for the defence Messrs. J. Cochrane and C. R. Prinsep.

Mr. Pearson addressed the jury and said, that the prisoners are indicted for forging a will and altering the name, both of which offences are equally criminal.

The deceased Komalunth was the widow of Ram Mehun Chuckerbutty, deceased, and she had an only daughter named Bemolah Dabee. This daughter was at Bindrabund, 600 miles distant from Calcutta, on a pilgrimage. On the 8th of Assaur, when her mother was attacked with the cholera, Servah Munglah Dabee imagining that the malady would prove fatal made a will on that day by which she bequeathed the whole of her property to her daughter, and Nobinchander Chuckerbutty, Anundoo Chuckerbutty, and Ram Kisto Odacares were witnesses and executors to it. She died on the 12th of that month, and her daughter, about 32 days after her demise, returned from Bindrabund and arrived. In Calcutta in the mean time another will, dated 5th Assaur, was filed in the Ecclesiastical Registrar's office, by the defendants, one of whom swore the usual affidavit for a probate by this will. She disposed of the property otherwise and appointed Petumber Mookergia her executor. In this will she mentioned her indisposition, whereas she was not sick before the 8th, and further there are proofs to show that Holladhur Chuckerbutty was seen composing it, and although he declined to be the executor; but he subsequently applied for a probate on that will, and thus he clearly uttered this forged will by this act it is plain; and it would be an absurdity to suppose a person could have made a will on the 3d of Assaur, quite contrary to the one she executed on the 8th of that month.

The witnesses by application of counsels were all ordered out of Court.

Sheebchunder Ghose deposed, he knew Servah Mundalah Dabee. She is dead: she died on the 12th of Assaur last. Previous to her death, the deceased made a will. She had an only daughter, a widow named Bemolah Beval, Deponent knows both the prisoners. The father of the last deponent is dead; his name was Gunganarain Chuckerbutty. Deponent never saw the will which Servah Mundalah Dabee made, but heard



who made one on the 8th of Assaur last. This will deponent never saw, but he saw a will in the possession of Gunganarain Chuckerbutty and Hollodhur Chuckerbutty. When they made it, deponent saw it in Shraboon last, deponent saw it made out by those two persons. Petumber Chuckerbutty, Beromohon Chuckerbutty, Sheebnarin Holdar, Issurchunder Sircar, Ramlochun Kur, and Sooropchunder Shaw were concerned in framing it. Petumber Mookergia was the executor to it, and the others become witnesses to it. This will was made on the 31st Shraboon, about one month and 20 days after the death of the person whose will it purported to be, and was anti-dated the 5th Assaur last. Deponent, if he were to see that paper, could recognise it. Deponent knows the hand-writing of Issurchunder Sircar who wrote it. There was previously a rough draft made and submitted to the prisoner, who made a few alterations and then it was fair copied: the draft was written by Hollodhur Chuckerbutty. When this will was forged, Petumber looked at it, and said the whole responsibility of this affair will be on me. Hollodhur observed "who is to write the name of Servah Mundalah Dabee." Hollodhur then said, "Get Issurchunder to write her name and I will make a cross mark to it," and this was done. After this will had been executed, the witnesses remarked, as every thing was completed, what were they to get for their job, and Hollodhur replied "that matter has been discussed already;" and Issurchunder then wished to know the purport of it, and Hollodhur said, of the 1,700 rupees of Servah Mundalah, which is of Bobany Lull Sha's hands, he would give 1,000 rupees of it to Petumber Mookergia and 300 rupees for the costs of this probate; the remainder, after considering what each of the others ought to get will be divided amongst them. Thakordoss Chuckerbutty, Kosinath Kur and Prawn Kisto Sen, and the parties concerned in framing this document were present at the time when this conversation occurred. Deponent last saw Thakordoss Chuckerbutty about fifteen or sixteen days ago at Sham-bazar. Kosinath Kur for fear of getting a subpoena in this case, has ran away.

Mr. O'Dowda, acting registrar of the Ecclesiastical Court, produced from the records of his office the will which was purported to be a forged document, together with the usual affidavit of the executor named in it, Petumber Mookergia, for a probate. Probate was not granted on it.

Sheebchunder further deposed, on looking at the will, that he recognised this to be the forged will. It is written in the hand-writing of Petumber Mookergia. Deponent is acquainted with Issurchunder Shaw, having seen him and Ramchunder Kur write once.

Cross-examined by Mr. Prinsep. Deponent saw Beromohon Chuckerbutty. Deponent knew him. Gunganarain Chuckerbutty, whilst deponent was passing his house, as a friend, called him and informed him, that he had fallen into a fearful predicament, and when deponent inquired what it was, he replied his sister-in-law, Servah Mundalah Dabee, had the cholera on the 8th of Assaur last, when she made a will. She died on the 12th of that month; he then observed that if her daughter were to die, the executors to it would make away with his ancestral property, and added that his son Hollodhur Chuckerbutty and Beromohon Chuckerbutty had consulted together and resolved to make a forged will with an intention to take out a probate and preserve everything. Hollodhur, after his father and his brother had consulted together, said "let us make a draft of it," and so hinted deponent's advice. Deponent replied, "if you succeed in this fraudulent act it will be very advantageous to you, but if you are detected, the consequences will be very serious." Deponent did not assist in the making of this will. He was again sent for by Hollodhur, for the purpose of becoming an attesting witness to it. Deponent is not in the habit of becoming required as a witness on account of his respectability.

Deponent gains his livelihood as a mooktiar in the petty court, but he has never given his evidence in any of these cases, nor was he ever warned by the commissioners of that court regarding his evidence. Deponent did not get any part of the 400 rupees, because he declined to become a party to this nefarious transaction; he suspected it to be wrong, because he saw another sign the name of the deceased, after her death, to a will framed on the 31st Shraboon and anti-dated the 5th Assaur. Deponent knew Rammohun Chuckerbutty; he died about three years ago. Deponent never heard that he ever had a son. Deponent has seen Bemolah Dossee, who is a purdah-nasheen woman. She is the daughter of a Brahmin and does not go a gadding. Deponent sees her on business. Deponent does not know whether she has a husband. Deponent last saw Bemolah Dossee about three or four days ago, when she had the cholera morbus. She is now a widow and has no child. Deponent was not examined before the grand jury in this case, deponent first received a subpoena on it about a week ago. After the grand jury had found a true bill in this indictment, and the witnesses who were examined on that occasion, having mentioned deponent's name, the prosecutors subpoenaed him. Deponent does not know whether the prisoners were heirs-at-law to Servah Mungolah's husband, they were the brothers of Suttah Mungolah's husband, and cousins of Servah Mungolah. At the time of her father's death Bemolah Dossee was a childless widow. All the property Servah Mungolah Dossee died possessed of, was left her by her husband. Hollodhur resides at Putthurgutta-street, to the west of Bemolah Dossee's house. The forged will was written in a hall, behind the two side rooms, at the entrance of the house. Deponent does not know whether Gunganarain entered a caveat against the will dated the 8th Assaur last, or whether it was ever filed in this Court.

Cross-examined by Mr. Cochrane. Prawn Kisto was present when the forged will was made, and is a witness in this case; cannot say whether he was examined before the grand jury. Deponent cannot say what relationship there is between Petumber Mookergia and Bemolah Dossee. Deponent never was before called to witness a forged will. Deponent knows Annuchunder Chuckerbutty; he lives in a separate hut; he is very intimate with Bemolah Dossee, and visits her very often. Deponent is paid for his trouble at the petty court, but he is not to get any thing for his trouble here to-day. He has no note of hand nor promise of a reward in this business. Bemolah Dossee is at her own house. Deponent knows Behary Loll Shaw, he is a rich man. Annuchunder Chuckerbutty is here to-day. Deponent saw five or six, days ago, Beromohon Chuckerbutty at his house. Deponent did advise the defendants not to commit this act but they did not regard him. Deponent has heard, that every subscribing witnesses to this will has been put into this indictment.

Re-examined by the judge. When Hollodhur was writing the will, deponent saw Prawn Kisto; he came there after the deponent; but why he came deponent does not know. When he came, Gunganarain Chuckerbutty said "sit down;" he was asked to become a witness, but he declined, and said to Hollodhur "you have three or four witnesses, there is no necessity for my name."

Mr. Cochrane remarked to the Court, towards the close of this deponent's examination, that Prawn Kisto had been in Court all this time hearing this deponent's evidence, and has just left the Court. The judge asked Mr. Hilder if this was true, and sent for Pratt the bailiff, who had charge of the witnesses out-side the Court to inquire into it: and it then appeared that the constable had only charge of some and not all. The judge consequently asked counsel where the rest were: counsel, replied that neither they nor the attornies in the case knew them all, so as to be able to point them out to the constable, who was to have charge of them. The judge

observed, that it is clear that when witnesses in a criminal case are ordered out and come in again they cannot be examined. Mr. Prinsep replied, that he was perfectly aware of the law in this instance. As Mr. Pearson had supposed that the judge would not re-examine the witness, he had desired Prawn Kisto to be the next witness to be called. He had just come in, but when he found that he was not required as yet, he went out again.

Prawn Kisto was then called and swore to the correctness of this statement of the prosecutrix's counsel, and added that he had been out with the other witnesses.

A Pratt, the bailiff deposed, that he called the names of the witnesses in the list furnished to him, and got some of them, but deponent did not see Prawn Kisto. He was not in his charge nor did any person call any of the witnesses under his charge. The judge then remarked that there ought to be two constables to relieve each other, and the names of the witnesses ought to be called as per list of the witnesses furnished to the constable by the parties, and then made over to their charge and kept in another room, and nobody permitted to speak to them until called for; a similar case he added should never occur again. A sircar of Mr. Bedell, the attorney for the prosecution, having deposed that Prawn Kisto was out during the time Sheebchunder was examined, and he had just called him in by mistake, the judge permitted him to be examined.

Prawn Kisto then deposed, that he knew the two prisoners at the bar and the last witness. This witness, like the former, proved the construction of the alleged forged will, and identified it in Court.

Cross-examined by Mr. Prinsep. Deponent is a broker and an oil-merchant. Deponent undertook on one occasion to be bail for Moonshes Isshur; but as the Moonshes could not give under bail he declined being bail. He did not receive 64 rupees on that occasion. When the will was signed, no person asked him to become a witness to it, nor did he refuse to become one.

The judge, after he had examined the evidence of Sheebchunder, witness, and found a material discrepancy between his deposition, and had further ascertained that there were no more witnesses to prove the making of the will, remarked to the jury, that if they believed these two witnesses, the case was plainly made out, and must proceed; but if they doubt them, for to him it appears a very strange circumstance that these two persons were, especially the latter, called for no other purpose by the prisoner than to witness their committing a forgery, a crime for which they could be transported for life, and which crimes are invariably committed in secrecy, but to enable them at some other period to appear as witnesses against them, and convict them in this case. Mr. Pearson added, that he had a documentary evidence against Holladhur, and if the actual forgery were proved against him, the fact of the other taking out the probate would in itself be sufficient to convict him of uttering a forged will.

The judge replied, that if the very first part of their evidence as to the perpetration of the forgery could not be believed by the jury, how could the case proceed against them.

The jury consulted and informed the Court, that they did not believe these two witnesses. The judge remarked, then the case cannot proceed, and directed the jury to acquit the prisoners, which they did. They were then ordered to be discharged by the judge.

Shumsooden was tried for uttering a forged document, with intent to robbing Mr. Kuhn, the proprietor of the *Commercial Advertiser*.

The prisoner pleaded *not guilty*.

John Overet deposed that he is a Government pensioner, and lives in North Intally. Deponent is a subscriber

to the *Commercial Advertiser*; its subscription is two rupees eight annas per mensem: deponent knows the prosecutor and the prisoner. Deponent looked at a paper in Court and said he recognised it; he had seen it before. The writing on it purporting to be the writing of Mr. Kuhn; is not his, the document is a forged one. The prisoner presented it to deponent at his house the day before the Churruck poojah. Deponent desired the prisoner to write on it his receipt for the money and he would pay it to him. Prischer attempted to write, but the figures he made were no writing. Deponent after having called a sircar and ascertained from him this fact, said he would pay the money to the prisoner's master. The prisoner then requested deponent to accompany him there. Deponent left his house with the prisoner for that purpose, and procured a palkee at the first stand he came to. The prisoner at the head of the Dhurumtollah road gave deponent the slip and ran away. Deponent however proceeded with the paper to Mr. Kuhn, and there he learnt the bill was a forged one, and that the prisoner had been taken into custody on a charge of forgery.

W. C. Blacquiere deposed, that Intally, the place where the last deponent resided, and where the prisoner had attempted to utter the alleged forged document, as stated by Mr. Overet, is in the suburbs of Calcutta, and within the jurisdiction of the 24-Pergunnah's Court, and not of this tribunal.

The judge said, that as the indictment stated that the prisoner uttered this will, knowing it to be forged within Calcutta; but as the document now, it appears by the evidence in this case, had been uttered out of Calcutta, this Court has no jurisdiction over natives of this county for crimes committed out of the limits of this city, except in particular Government cases, which he need not mention. He then suggested to the jury, that without entering into the merits of the case, to acquit the prisoner on this indictment, on the ground that the offence had been committed out of the jurisdiction of this Court.

The jury without retiring acquitted the prisoner.

The prisoner was then remanded.

#### TRAVERSE CASES.

In the case of Queen on the prosecution of Mootes Mangy versus Rammond Ghose, Gungapersad Seal, Kishna Ghose, Omil Holdar, Sharkamar, sircar, and three other prisoners, who were arraigned for having on the 18th of October last, assaulted Moottee Mangy in a violent manner.

The prisoners pleaded *not guilty*.

The prosecutor and his witnesses were then called on their reconnoissances, and not appearing, they were read and estreated, and a verdict of *not guilty* pronounced against the prisoners by the jury, and the prisoners released. The prosecution, the judge informed the jury, was a private one, and it appears had been needlessly brought before the Court.

The case of the Queen on the prosecution of Goorao Chund Doss and Hurry Chund Doss, against Kadar Bur, jemadar, Jhubboo naib, and two chokeydars, for having on the 18th of January, assaulted the prosecutors, were then called on, and the jury sworn.

The prisoners having pleaded *not guilty*.

The prosecutor was called and he informed the Court that his attorney, Mr. Martindell, and his counsels, Messrs. Pearson and Leith, who have the sole management of their case, although they were in Court this morning were absent then.

The defendants likewise informed the Court, that their Attorney, Mr. Anly, and their counsel, Mr. Cochrane,

were not likewise present in Court to conduct their case for them.

The chief Justice, after he had made the requisite inquiry from the clerk of the Crown, and ascertained that the attorneys and counsels, both for the prosecution and the defence, were informed that this case would come on to-day, addressed the jury, and said, that it appeared strange to him, after intimation had been given to these attorneys and counsels, that this case, would be tried to-day, that they were absent. A message was then despatched to them to require their attendance, and the jury were desired to await a little.

After a delay of about half an hour the prosecutors' counsel and attorney appeared, and the case was heard.

Mr. Pearson said, the prosecutors in this case were arrested on a false allegation of a theft from some accusers and assaulted very roughly. This class of crime is a very great offence to society, and this is very much aggravated by its having been perpetrated by the very persons whose duty it was to prevent the breaches of the peace.

Gooroochand Doss deposed, that he is a bustom, and resided at Hauokhola. Deponent knows the defendant at the bar. The defendant, on the month of Maugh last, at about 8 o'clock p. m., accompanied many other persons with lighted flambeaux to the prosecutor's house, and began to search the upper apartments. Prosecutor remained below till the jemadar sent for him and desired prosecutor to deliver up the keys of a chest, the property of this deponent, which they brought out of a room upstairs. The prosecutor replied, that the key was not by him, but at his house in Jorahagan, and he would go and fetch it. The jemadar would not permit him to go there, but broke the chest open, but could not find any stolen property within it. The jemadar then, at the request of Kalloo Ghose, who had brought these persons to his house, took the prosecutor and his brother into custody, and Shqobucamp Shaw having brought a globe which he said he had found under the prosecutor's platform, and that it was a portion of the property stolen from the house of his master Kalloo Ghose, prosecutor, was then taken into the street, and he and his brother bound hand in hand, and taken in custody before Mr. McCann, who ordered the jemadar to release them; but the jemadar, after he had consulted with Kalloo Mullack, again bound prosecutor and his brother, and took them to Captain Birch's office; they were then made to wait below, whilst the jemadar went and spoke to Capt. Birch and then took and confined the prosecutor and his brother in town guard all that night. The next day the charge of theft preferred by Kalloo Mulluck and his servant Soobut, was heard by Mr. C. K. Robinson, the magistrate, and dismissed, and the prosecutor and his brother released by his order.

Cross-examined by Mr. Cochrane. Prosecutor gave similar evidence in this Court, when Kalloo Chand and Soobut were tried on this charge and acquitted, and so did his brother who is very sick in his house. Kalloo was his next door neighbour. He had never heard of Kalloo's house having been robbed. Prosecutor put every person into the indictment who entered his premises. Kalloo was on bad terms with prosecutor. The case against Kalloo and Soobut was very prematurely brought on. Prosecutor had not time to subpoena his witnesses. The bill was found one day and the case called on the next. The prosecutor, his brother, Mr. McCann and Mr. Robinson, were the only persons examined on that occasion, and none of his servants. Here the prosecutor named the persons who were present on the occasion. One of them has died subsequently; but prosecutor has subpoenaed the rest. Mr. McCann's order to the jemadar was to deliver prosecutor and his brother to the care of his father. Prosecutor's brother was in attendance in this Court till yesterday, when he fell sick. Prosecutor never heard that Kalloo's house had

been robbed, but Kalloo and his gang behaved like robbers in his.

Re-examined. Prosecutor asked Kalloo and his gang when they entered his house, what they wanted. They made no reply, but seized him. They produced no warrant on the occasion.

J. McCann deposed, that he is the deputy superintendent of the police. Complaints of robberies are made either to the magistrates or the superintendent of the police, and the thanadar. Deponent heard no complaint of a robbery committed in Kalloo Ghose's house on the day the prosecutor's house was searched, until shortly before the prosecutor and his brother were brought in custody to him. He desired the jemadar to take them to their father, and take his security to bring them to the police office the next day, to answer to the charge. It is not usual to search a house without a warrant. Deponent would not do it at night, nor would he take a man into custody at that late hour without an oath of the robbery; and if he had taken up a person in the condition in which these men were brought up to him, he would have sent them up to a magistrate for trial. He would not be punctilious regarding a search in the day time, if he was sure that stolen property was concealed in the suspected house.

Captain Birch deposed, that no person in this matter applied to him for a warrant to either arrest or search their house. He declined at first to answer whether he authorized the jemadar to search the prosecutor's house; but the counsel for the prosecution submitting that he was bound to answer the question, he said that he had given the jemadar authority to search the prosecutor's house. It was a verbal order and not given on any affidavit. The search was to be made in the prosecutor's thakoorbary, to see if any of the property alleged to have been stolen from Kalloo Mulluck's house could be found there, and that if any were found to take the parties into custody. Kalloo Ghose was the complainant on that occasion, and said he suspected these two men as being the thieves. At night the thanadar gave him intimation, that a globe lamp had been found under the prosecutor's platform in his house, and jemadars and peons without seeing the persons brought in custody, ordered them to be confined in the town guard. The next day the case was taken up by Mr. Robinson, who, without an investigation, dismissed the charge.

Cross-examined. Deponent was not then so good a lawyer as now. The deponents, are bound to obey his orders. Deponent did see the lamp. Mr. Robinson did make a preliminary investigation before he discharged the prisoners. They denied the charge against them.

Mr. Cochrane for the defence said, that the prosecutors had not shewn that they were acquitted clearly of the charge Kalloo Mullick had preferred against them. He next condemned in a very strong terms the practice of putting the neighbours and all witnesses in the case into the indictment, and thus deprive the prisoners of all evidence; and even if the search was illegal, it was committed by ignorant natives who were bound to obey the orders of their superiors on that point, and that they had no malicious intention in so doing. If any person had acted illegally, it was Captain Birch, who had given the order for their search; they, therefore, are innocent.

The judge then summed up the case, detailed the evidence, and commented on it, and said, that if the prosecutor's evidence is to be credited, the assault has been proved, and the prisoners have proved no justification. It is true that they searched his house by the order of Captain Birch; but Captain Birch himself had no power to order a search unless it was delegated to him by the magistrate, and thus, if the prosecutor is to be believed, and his testimony is uncontradicted, the jury must find the prisoners guilty, and it is for the judge to decide the nature of the punishment on the merits of the case.

The jury found all the prisoners guilty ; and the judge, as the prisoners had acted under the orders of Captain Birch, and could not discern that these order were illegal, but were bound to obey them, mitigated their offence, he inflicted on them the slightest punishment possible. They were fined 100 rupees each and ordered to be discharged.—*Hurkaru, April 28.*

TUESDAY, THE 3D OF MAY, 1838.

*The Lunacy Case.*

A commission of lunacy sat this-day at the Supreme Court house to enquire into the lunacy of Baboo Sreenauth Sandail, a supposed lunatic. The commissioners were Richard Marnell, Esq. and W. P. Grant, Esq. counsel for the commission, C. R. Prinsep, Esq., Attorney Mr. P. Peard. The following jurors were chosen and sworn :

George Vint, Esq. Foreman ; D. M. Gordon ; G. A. Prinsep ; W. F. Gibbon ; J. Colquhoun ; J. S. Kellard ; A. D'Souza ; C. Fagan ; W. Mackenzie ; J. B. Scott, Esq. ; Carrapit Jacob : Rajah Dabee-kissen ; Baboo Obeychurn Bonnerjee and Promothonauth Day.

The witnesses called and examined were Drs. H. S. Mercer and Walter Raleigh. A bearer named Gocool and a kansamah called Proncase, were stopped by the jury, who unanimously gave the following verdict : That Sreenauth Sandail was of unsound mind, and had been so for about three years past, and did not enjoy lucid intervals, so that he was incapable of managing his own affairs ; and with regard to the amount of his property no evidence was tendered to them. The jury then adjourned to Saturday, the 15th instant, to meet and sign the inquisition. The gentleman of the jury then directed that all fees coming to them and partly to the commissioners, amounting in all to company's rupees 262 ; should be forthwith sent to Mr. Patton, the

judge, to be applied by him in relieving the distresses of the sufferers by the late storm at Rungpore or Chingreehutta in the 24-Pergunnahs, and the amount was immediately sent by the sheriff's office to Mr. Patton under the directions of Captain Vint, the Foreman.

J. H. PATTON, Esq.

*Magistrate, 24-Pergunnahs.*

Sir,—I have the pleasure to inclose the sum of 262 rupees, being the jury allowance in a case of lunacy of the 3d instant, which my brother jurymen requested me to forward you as their foreman, to be distributed amongst the unfortunate sufferers in Chingry Guttas village, &c.

I remain, your most obediently,

(Signed) GEORGE VINT.

May 5, 1838.

(No. 183.)

To GEORGE VINT, Esq.

*Calcutta.*

Sir,—I have to thank you, and your brother-jurymen, for your donation of 262 rupees intended to be devoted to the relief of the sufferers from the late storm, and beg to inform you that your wishes shall be attended to the best of my ability ; a receipt in duplicate for the amount is herewith annexed.

I am, Sir, your most obedient servant,

J. H. PATTON, *Magistrate.*

*Zillah, 24-Pergunnahs, the 5th May, 1838.*

Received from G. Vint, Esq., a donation of 262 rupees intended to be devoted to the relief of the sufferers from the late storm.

J. H. PATTON, *Magistrate.*

*Hurk. May 7.]*

ZILLAH 24-PERGUNNAHS FOUJDARRY.

BARRASSET, WEDNESDAY, MARCH 28, 1838.

(Before E. Deedes, Esq., Joint-Magistrate.)

Mr. McDougall, the grantee, appeared this-day, accompanied by Mr. Dias to inform the magistrate that he found it impossible to continue his residence at, or cultivation of the lands granted to him by the state in the Soonderbuns for the constant annoyance and disturbances created by the people of the zemindar of Khas Ballundah. Mr. McDougall stated, that the zemindar's people had in a couple of hours destroyed a thatched house erected by him at considerable expense and trouble, and that the daring character of some of the attacks made him apprehensive of his life.

A similar representation was made by both Messrs. McPherson and McDougall to Mr. Commissioner Dampier a short time ago, and that gentleman immediately sent an official letter to the joint magistrate, requesting him, under the provisions of Regulation 111. of 1828, to protect the grantees from the attacks and practices of the zemindars. Two cases were pending at this time at the Foudarry of Baraset, the one against the zemindar's people for stealing away and destroying several cocoanut plants, and the other against a sircar and other in the employ of Mr. McDougall for an alleged assault. In the former case the delinquents were sentenced, and the latter fell to the ground for the want of evidence. To our knowledge the latter case was a conspiracy supported by the most bare faced perjury, as the people

charged with the assault, were at the time it was alleged to have occurred in attendance at the judge's Court at Allipore, at the hearing of *Mahommed Ameer versus McPherson*. Both cases were appealed by the Moonshes's people and pending their issue, the offenders were released on bail.

Mr. Dias informed the magistrate, that his client had come to lodge an information against Moonshes's Mahommed Ameer, the zemindar Bycanto Paul, the Gomashetah, Mudden Mozumdar, the Fehsuldar, and two Burkandazes. Mr. Dias said he would prepare Mr. McDougall's affidavits and file it before Mr. Deedes as a justice of the peace and magistrate, and he believed that the court would have no alternative but to issue warrants for the parties and oblige them to find bail for their future good conduct.

A native sircar-looking gentleman, here stepped forward and addressing the magistrate said, " my master is not that sort of man, that will be brought here on such an affidavit."

The following insolence was soon put a stop to by the magistrate telling him, that if he repeated his impertinence, he would let him feel the consequences of it, and that if he felt dissatisfied with any of the proceedings, he had his remedy by appeal to the superior Court. The magistrate then desired Mr. Dias to prepare the affidavit, on which being done, and on Mr. McDougall being sworn to it, writs were granted against the zemindar and his people.—*Hurkaru, April 12.*

## MOONGHYR.

*Resumption of Toufeer and Waste Lands in Purgunnah Furkea.*

The resumption operations in this purgunnah have been nearly brought to a close, resulting, we are sure, very much to the satisfaction of Government. The settlements made with the zemindars and others for the land that has been resumed out of the old estates or muhals, show a considerable addition of revenue; and, which will progressively increase, till the close of the several terms for which the leases have been granted. The attempts of Government to procure an enhancement of revenue from the old muhals necessarily created great dissatisfaction among the zemindars at whose cost the increase was to have been induced; and when we examine the nature of the objections advanced by some of them, we are unavoidably led to question the right of Government to encroach upon the possessions of land-holders on any consideration whatsoever, not supported by the argument of pressing exigencies either of unavoidable foreign war, or general urgent measures to be adopted for the improvement of the country, embracing the benefit collectively of both the zemindars themselves and the people at large. The latter, we readily allow, may be prosecuted in a thousand very interesting and extensive channels of desirable improvement; but the former cannot, in the present posture of political affairs, be justified in any point of view. The excess in the former agrarian demands, however, has been laid; the resumptions are progressing; the resources of Government are being multiplied; the waste lands are put in the way of improvement (a very desirable thing no doubt); and the zemindars have sighed, wept, bothered, and bestirred themselves to no purpose, as it respects saving themselves from the aggressions of the *exchequer*, into which, ere long, some forty or fifty thousand rupees, will flow from purgunnah Furkea alone. We could here suggest, that if the advantage of the people has been made the basis of the fresh exactions made from the Furkea zemindars, the additional profits thus secured should, at least, every third year, be appropriated exclusively to the local improvement of that purgunnah; some of which we here briefly point out. Bunds or embankments are very much required to prevent the inundations from the Gunduk, the waters of which, singularly enough, seldom make any productive deposit, while they interrupted the cultivations, and deprive the people of one of the best crops. Roads are very much wanted, sources of artificial irrigation are urgently and absolutely required, and, above all, a more respectable and efficient police is imperiously called for here, as well as in all the other parts of the country. If the people are made to add to the resources of the state, the latter should, in return, use its diligence to add to their comforts, safety, and prosperity.

The arguments generally made use of by the zemindars in support of their objections to the resumption proceeding, have been from time to time put into our possession, and as they are usually of the same kind, we here furnish a brief exposé of them as lately submitted to Government by Raja Biddanund and his son Koomar Roodranund, zemindars of portions of this purgunnah.

1st. That one of the arguments used to warrant the resumption is that the resumed mouzas were not included in the famous decennial or perpetual settlement on account of their having been mere waste lands at the time. Against which position they urge that, at that time the papers of settlement did not specify the quantity of land comprehended within the area of the several

tappahs and mouzas included in the muhals, that these papers exhibit the aggregate of the estimated profits of four years, whereby a scale of jumma was formed for the levying of an excess to the revenue of former settlements,—that the sayer collections were taken away, and proportionate deductions were allowed them; that there is not a single mouza included in the tappahs, nor any description of land that has at any time been exempt from the assessment, and jumma fixed by the perpetual settlement, that they support their objections on the provisions of regulations I. and VIII. of 1793, and the circular letter of the 22d May, 1818, in this particular; that all descriptions of land and mouzas whatsoever included within the boundaries of the tappahs, as above settled in perpetuity, are unquestionably their rightful property, and can on no account be claimable by Government,—and that the present measures of Government can be regarded in no other point of view than as the exhibition of an unjustifiable design of infringing on, and rendering the permanent settlement at once nugatory.

2d. Another argument used in support of the resumptions is the absence of any recorded jumma attached to the resumed mouzas and lands, in the column of jumma of the quinquennial register compiled in 1202 of the Fuslee year. This argument they rebut by observing, that the tappahs, and mouzas were perpetually settled in the Fuslee year 1179, at which period these registers were not in existence; that they were embodied on data furnished by the *kanoongoes*, to which preparation of them they, the zemindars, were not parties, and therefore were not able to check the inaccuracies that abound in them; that as these registers were not in being at the time of the settlement, their rights, supported by section vii. of regulation I. and several sections of regulation VIII. of 1793 cannot be justifiably impugned, with a view to the intrusion of the claims of Government to lands lying within the land-marks of the tappahs and mouzas settled in perpetuity before the quinquennial register was formed, that these registers comprise no part of the records of the perpetual settlement, a circumstance which in a peculiar manner renders them unauthentic, especially as they do not correspond with the substance and provisions of the puttahs and *kuboolems* mutually interchanged on the occasion. In proof of this they cite the following instance: Tuppah Jumalpoor, &c. is recorded in the said register, as assessed at Rs. 1,055. 5as. and 10gs. whereas, the amount of assessment specified in the puttah and *kubolet* is Rs. 12,429 12as. Again: tappahs Rehooa and Sehuzaree, &c. in the register is stated to be assessed at Rs. 6,949 3as. but the amount entered in the puttah and *kubolet* is Rs. 8,300 10as. 8gs. Hence the spurious nature of the source of the formation of these registers is undeniably evident, that in the settlement books of 1197 Fuslee, jummas are attached to each mouza individually, consequently the argument herewith contested is not founded on act, that if any parties, or the whole of the lands comprising the estates of the zemindars had been discovered to be waste at the time of the compilation of the quinquennial register, that circumstance could only serve to prove that the zemindars, and not the Government, must have been subject to losses, from their having been unproductive; that nevertheless they have always faithfully discharged the demands of Government exacted from those very lands, which were included in the perpetual settlement, and that they have proved by respectable corroborative evidence, that the resumed lands were in a state of cultivation, before, at the time, and after a perpetual settlement.

3d. A further argument used is, that they support their objections by two things. 1st. Fysulas of the civil court, grounded on regulation XIV. of 1835; and 2dly. That the settlement made with them does not make any distinction between cultivated and waste lands. These objections are controverted by the assertion that the awards of the civil courts cannot abstract the investigation of the rights of Government. The petitioners contest that positively, citing various legal proceedings successively instituted in various courts, Mofussil, Appeal, and Sudder Dewanny, at the close of all of which the claims of Government were explicitly declared to be illegal, with reference to laying fresh jumma on the mahals included in the perpetual settlement; that the parties were peaceably put in possession of the lands attempted to be resumed, and that all these decisions were conformable to regulation II. of 1819, XIV. of 1825, and sections xxix. and xvi. of regulation III. 1793.

4th. Another argument started in support of the resumption is, that the regulations and the letters quoted by the zemindars, were only applicable to such mouzas as have been assessed by Government, and not to the waste lands. They contend that the settlements were made for pergunnahs without a specification of tuppahs, for tuppahs without a detail of mouzas; and mouzas without recorded *rukba*; consequently, all sorts of lands cultivated or waste, had been included in them, and therefore they indisputably belong to them.

5th. It is further urged in support of the Government resumptions, that the village amla of the zemindars themselves had pointed out the lands resumed as lying beyond the limits of the mouzas assessed at the time of the perpetual settlement. This argument, they say is, not founded in fact, for they flatly deny that their amla could possibly have done any such thing, since they knew that the truth of the matter was directly the reverse.

6th. Under this head they object to the argument that they cannot support their *caveat* by any trustworthy document, by insisting upon it that they have submitted many of a very respectable and authentic nature, on the strength of which they urge that the claims of Government should be set aside.

7th. For an argument, that the perpetual settlement did not comprehend *all* the mouzas individually, they urge that their pattas, and the kaboleuts expressly mention mouzas numerically detailed (with the collective jumma levied on them) comprehended in the several estates they refer to. They comprised in all 207 mouzas *uasee* and *dakhilee*; assessed at a total jumma of 22,262 rupees and 12 annas. And these were all perpetually settled.

Thus far we have very briefly represented the arguments *pro* and *con* of the resumption operations, but cannot spare time to enter at any length into the respective merits of the question as mooted by the contending parties. Let it suffice to intreat Government to hold in one hand the sceptre of mercy, while with the broom in the other, they sweep away any of those rights which they have themselves created, and till the moment of

the commencement of the execution of the resumption proceedings, have upheld by their representatives in the constituted courts of the country.

But particular justice from us is due to the public officer of Government under whom the resumptions have been carried on in *purgunnah Furkeea*. We allude to the Hon'ble Mr. Drummond, with whom we have, in the way of our humble calling, seldom come in contact. That this officer has acquitted himself, in the execution of his peculiarly trying duties to the satisfaction of Government, nobody will deny, after the result of the resumptions has exhibited a large amount of revenue added to the coffers of the state. That he could, nevertheless, have given satisfaction to the zemindars, nobody will be willing to credit, but we state it with pleasure as a matter of fact. Such, generally speaking, really is the case. We have had opportunities of conversing with many of the landholders concerned (much against their will, no doubt, originally) in the resumptions, and have from them obtained the following facts: That Mr. Drummond had decided upwards of two hundred disputed cases, of which only nine had been appealed to the higher authorities; but of which seven had been confirmed, leaving just two, in which his decision had been overruled. We have met with only two or three of the zemindars who seemed to be much dissatisfied with the result of Mr. Drummond's proceedings; but even they have been constrained to admit that in the decision of the rest of the cases justice had been done, since he was acting according to the orders of his superiors, and guiding his measures by the regulations of Government. We are no panegyrists, it will be allowed without controversy; but here we cannot refuse to do justice. We have before us the testimony of nearly a whole body of zemindars acknowledging that, whatever they might have to urge against the aggressive and arbitrary measures of Government, as they denominate them, they, with the exception of one or two capacious individuals, conspire to represent Mr. Drummond as conducting his proceedings in the most impartial, cool and deliberate manner; readily admitting of remissions; correctly estimating the capabilities of the lands to be assessed; and rather erring on the side of concession than aggression. We are unchangeable in our opinion that the execution of the important functions vested in the younger branch, especially, of the *service*, are improperly regulated; and that but a very small number of them are fit to be entrusted with them. The exceptions are discovered accidentally, as it were. The world but scantily knows what is transpiring on the Mofussil. It is our province to search—we have done so; we have, we trust, honestly given them their *dues*. We could have lifted up a finger at Mr. Drummond, but we drop it when we are called upon by the concurring voices of the zemindars of Furkeea to say that they have been satisfied with in his public capacity. We hope that Government will, ere long, prove that it is not indifferent to the expression of the sentiments of the people over whom they have set generally very incompetent officers for the distribution of justice, when such instances as the one we now usher into the light, are by the people (though unknown to themselves) brought to their notice.—*Hurkaru*, April 14.

## MISCELLANEOUS.

## CALCUTTA.

**DEATHS AMONGST HINDOOS.**—From a report furnished at the police office from the two ghauts, it appears that the following was the number of deaths which occurred amongst the Hindoo inhabitants of Calcutta, from the 1st to the 10th of the present month :

	By Cholera.	By small Pox.	By Miscellaneous diseases.	Total.
1	49	6	8	63
2	50	9	13	72
3	87	7	14	108
4	48	8	11	67
5	51	9	10	70
6	44	4	22	70
7	35	6	14	55
8	37	10	9	56
9	28	7	14	49
10	20	8	16	44
	449	74	131	654

By our last notice, under this head, it appeared that the number of deaths within the limits of Calcutta, amongst the Hindoo inhabitants, was *thirteen hundred and thirty-two*! from the 1st to the 18th instant. The following has been reported.

		Small Pox.	Cholera.	Miscellaneous diseases.	Total.
Apl.	19	11	41	12	64
"	20	14	37	11	62
"	21	12	30	15	57
"	22	9	39	15	63
"	23	19	39	11	69
"	24	18	51	13	82
"	25	24	80	17	91
"	26	18	56	13	87
		125	343	107	575

Towards Tautollah and Cullingah, where the cholera had about a fortnight or three weeks ago been most prevalent, it has become very mild; so that the medical students placed in those two thannas, have been withdrawn as having little or nothing to do. But it is now raging with virulence in the northern parts of the town, which are chiefly inhabited by Hindoos, as appears in the above memorandum.

**DISCHARGE OF AN ENTIRE THANNA ESTABLISHMENT.**—The whole establishment of the Baug Bazar thanna, namely the thannadar, the naibs, and all the chokeedars attached thereto, were, the other day, discharged for a gross neglect of duty, of which, however, we have not been able to learn the particulars. It is stated that a robbery had lately taken place in their division, of property worthy about eleven hundred rupees, which they had kept a secret from their superior.

**JUDICIAL APPOINTMENT.**—William Patrick Grant, Esquire, the son of Sir J. P. Grant, has been, through his father's interest, appointed to the vacant office of Master in Equity.

**MR. WILLIAM RUSHTON.**—The following well merited tribute, has been paid by the editor of the *Englishman* to Mr. William Rushton :

"Our readers have doubtless noticed an advertisement which has been for some days prominently before them,

announcing that Mr. William Rushton, in conjunction with other parties, is about to commence business on his own account as a book-seller, stationer and printer.

As this measure necessarily involves the dissolution of the connexion hitherto subsisting between Mr. Rushton and the *Englishman* establishment, to the extent, at least, of his duties as printer and publisher, we think it incumbent on us to offer him a public farewell, and to express our hearty good wishes for the complete prosperity of his new undertaking. For five years we have experienced from Mr. Rushton the most active and zealous co-operation in the performance of duties of which no one but ourselves can fully understand the difficulty—no one thoroughly appreciate the mental and bodily labor,—because no one was ever required to attempt them in this place before. Our readers may remember when every week, nay almost, every day, brought its meeting of angry creditors of fallen houses,—of steam projectors, ice projectors, library projectors, free press advocates, civil jury clamourers, bank act petitioners, &c. &c ; when every Saturday produced its Insolvent Court rife with interesting and intricate proceedings—when every term yielded an infinity of cases springing from the commercial *bouleversement* of 1833. Many of our supporters will also recollect when an overland packet was a rarity, and never to the calculated upon, and when, in consequence, the arrival of a Liverpool or Bordeaux ship was an event anxiously watched for, as likely to put us in possession of the latest news from home. It was during those periods of editorial difficulty that we felt the great value of Mr. Rushton's unwearied industry and friendly zeal. Day after day might be seen at the court-house or the town-hall, diligently reporting the speeches, the judgments and the embarrassing 'desultory conversations,' for which all kinds of meetings were then distinguished; and anon, as if gifted with the spirit of ubiquity, he was away down the river in the lightest of beauliahs to meet the 'latest arrival,' telegraphed but a few minutes previously, returning with her (to us) greatest treasure, the *latest papers*, and creating an 'extra' while our contemporaries were asleep! These were services the value of which we have been reaping for the two past years; and though an alteration in the character of a journalist's labors enables us now to dispense in some measure with Mr. Rushton's further aid, we cannot forget what we owe to his great energy, activity, prudence and integrity, or deny ourselves the gratification of paying a public tribute to his worth.

As the sole proprietor and editor of the *Oriental Observer* Mr. Rushton continues the publication and management of that excellent periodical, but his general printing and stationary establishment is a new undertaking altogether, and, in our opinion, a very great desideratum in this town. We hope he will receive very extensive patronage, for if ever honest man deserved support, he certainly does.

**HEALTH IN THE HOUSE OF CORRECTION.**—It is considered very strange that the state of health in the House of Correction should be so different, from the remainder of the town and its suburbs. While cholera and small-pox are raging in a frightful manner beyond its walls, not a single case of any of these scourges has occurred within them. There are now about a hundred and fifty prisoners in it, and some fourteen or fifteen of them, only, are afflicted with a slight fever.

**THE PRETENDED RAJA OF BURDWAN.**—It is said, that the *soi-disant* Rajah of Burwan, has been ranging about the river lately with a retinue of boats full of his

followers. He set out from hence some time ago with the avowed intention of going to Burdwan. This intention he has not fulfilled; but after remaining opposite to Chinsurah for some time, he proceeded to Culna and landed there with an armed rabble of some 300 men headed by himself in a tonjon, with a drawn sword in his hand, and a European legal functionary attending him. He ordered the sepahi centry at the *Raj Barié* to quit his post, which the man declined to do; and the pretender was prevailed upon, with great difficulty, by the darogah, not to attack the man. If he had done so, as there were probably more than 100 of the actual Rajah's men within the gate, with an abundant supply of arms, the pretender and his rabble would have been repulsed. Information of these proceedings being sent to Mr. Ogilvie, the magistrate of Burdwan, that gentleman immediately sent orders to the police to compel the pretended Rajah and his rabblement to retire. This they refused to do; and the Darogah reported that any attempt to carry his orders into effect would be useless and lead to bloodshed, and he had no force at all adequate to cope with the followers of the Pretender. Besides which, the fellow had been visited by crowds of people, the natives coming daily in thousands down to his boats. In the mean time, letters of his had been intercepted, addressed to all the neighbouring zemindars, calling upon them to assemble at Burdwan and witness his re-ascension to the *guddes* of his ancestors! Mr. Ogilvie, under these circumstances, proceeded to Culna, with a military force, and apprehended the Pretender, and he is now in custody. The magistrate had previously received orders to apprehend this man, if he should attempt any proceeding of the nature described.

The PRETENDER calling himself Pertaub Chund and claiming the Raj of Burdwan, of whose proceedings, at Culna, we gave an account the other day, has been apprehended. It would seem that he never could have had any serious intention of going to Burdwan, as he was perfectly aware that he would not be permitted to go there with an armed rabble, such as he chose to be attended by. He remained, therefore, at Culna until the 2d instant, sometimes going ashore merely to create a *tamasha*. Crowds of people collected to see him, amounting sometimes probably to 50,000, including a very large proportion of women. On the morning of that day, however, the magistrate arrived with a company of the 2d native infantry, commanded by Captain Little of that corps with another commissioned officer. They found the imposter in his boats, moored near the mouth of a nullah, in a good position for defence or escape. He had the discretion to choose the latter, and attempted to make off as soon as he saw the troops approach. As soon as the magistrate saw this, he commanded the boats to stop. His orders, however, were disobeyed. Hereupon, by some mistake, a volley was fired by the troops, and four of the deluded followers of this man were wounded by the fire, three of whom have since died. The fellow upon this, jumped into a dingy, but the people deserting him, he threw himself into the river and got on the bank where he lay motionless like a dead body, and had nearly escaped by this artifice. An experienced *havidar*, however, gave him a kick and thus discovered him. Several of his followers were taken prisoners in the boats, and among them, three Europeans. One of these is Mr. Shaw, the Attorney, who was lodged in the jail of Burdwan, where his countrymen also found quarters; but they have been brought down to Calcutta on writs of *habeas corpus*.

The PRETENDER himself, was, immediately after he was captured, sent off to Hooghly, in charge of Captain Little and his company, and was, early on the morning of the 6th instant, delivered over by that officer to the magistrate of that place, and is safely lodged in the jail. Very few of the natives assembled at Hooghly to witness the *Jai Rajah's* re-entry into the prison; but at Nyah Serai where Capt. Little had encamped the evening before, we learn that many thousands of people had

flocked in from all quarters to see the prisoner. It is said, that the Pachete Rajah, one of the powerful zemindars, with whom Pertaub Chund was in correspondence, has, since the capture of the Pretender, broken out in open revolt and attacked and taken possession of a factory of Dr. Cheek's. Mr. Halkett, the officiating magistrate of Burdwan, has gone out against this man, with two companies of sepoys.

During the last week, Mr. Shaw made an application to the Deputy Governor of Bengal, setting forth, as report says, that the proceedings on the part of the force employed to apprehend Pertaub Chund, were most unwarrantable, and quite uncalled for; he prayed, therefore, that some able and impartial officer may be appointed for due investigation into the affair; and his honour in council was pleased to commission the superintendent of police for the Bengal presidency for that purpose. He has left Calcutta, accordingly, for Burdwan.

The 19th instant was the third day of the examination, and, at about half past five, Mr. Longueville Clarke addressed the magistrates and said, for the present his friend, Mr. Leith, and he would adduce no further evidence, nor as yet press the magistrates to take any further step for an *ex-parte* case, which these preliminary inquiries always were. They had proved all that was necessary; and he would stake his professional reputation, that if the statements were not contradicted, any judge, charging a jury, would tell them that if they believed the witnesses they must find a verdict of guilty. But he would not now ask the magistrates for a warrant: he should, as he had always stated his intention to be, submit the evidence taken down to the Government; they might hand it to their law officers, or, what would be more proper, they might obtain copies of the magistrates' depositions. He would give the Government ample time to consider the matter, and to make every inquiry; and, as he believed there is no fear of Mr. Ogilvie's wishing to escape, or that he could do so, he did not consider that by following this course, the ends of justice could be defeated. But he sincerely believed that the ends of justice would have been defeated, if Mr. Leith and he had not forced this investigation on. They had waited to see what the Government would do, and they found them sending a gentleman to Burdwan, as he believed, in utter ignorance of the fact, that from the power of Prawn Baboo, and the dread of the magistrate, no witness would go here to depose against them. This he had distinctly proved in evidence, and also Mr. Ogilvie's admission, on a former occasion, "that the Rajahbarry was a sink of iniquity, and that he believed every native in the Government employment at Burdwan, was an annuitant of Prawn Baboo's." The witnesses would not go there, and they were all here, and nineteen of them he had examined. By this course he had saved evidence, which he believed would otherwise have been lost, and he had only caused it to be taken in the legal and proper manner, before the justice of the peace. He appealed to the magistrates to say, whether his friend and he had not conducted the examinations fairly towards the accused, and the witnesses.

Mr. O'Hanlon said, most fairly, that he believed, if it became necessary to issue a warrant, Mr. Ogilvie would surrender. Mr. Clarke replied, that if it rested with him, the accused should not be put to any inconvenience which was not absolutely unavoidable, with a view to the ends of justice. Mr. Clarke also stated, that the intentions of his friend and himself to forward their notes of the depositions, as soon as they could be fair copied, had been communicated to the Government. Mr. O'Hanlon observed, that he also had mentioned it."

DORJELING.—The new settlement at Dorjeling progresses. About fifteen locations have been made, and additional applications are daily flowing in. A line of bungalows is constructing in the new road to the new



settlement, to which all interested subscribe 100 rupees; for this sum Col. Lloyd's agents now call upon them, to enable the good work to proceed.

**PUBLIC LIBRARY.**—A meeting of the subscribers and proprietors was held on the 5th instant, for the purpose of electing a curator, in the room of Mr. John Bell, who had resigned. Sir J. P. Grant was in the chair. Mr. Bell's letter, assigning, as a reason for his resignation, a difference of opinion with his colleagues, was read. A minute, by the same gentleman, and counter-minutes, by Messrs. H. M. Parker and W. P. Grant were likewise read, and a discussion ensued thereupon. It appeared that Mr. Bell considered the library in a state of insolvency, and that he saw no prospect of extricating it from its difficulties. He also seemed to feel hurt, that he had not been consulted by his colleagues, touching some of the measures which had been adopted by them.

Mr. W. P. Grant, in explanation, denied that a difference of opinion subsisted between Mr. Bell, Mr. Parker, and himself; he likewise disputed the accuracy of Mr. Bell's calculations, and shewed, by the scrutiny of an account laid before the meeting, and prepared by the librarian, that the library was far from being in a state of insolvency. Mr. Grant further stated, that Mr. Bell had always been duly invited to the meetings of the curators, but having failed to attend, he could not justly complain of not having been consulted. Mr. Grant spoke of the attacks which had been made on the curators in the public papers, and appeared to think, that they proceeded partly from an unaccountable wish to discredit the efforts of the curators, and partly from ignorance of the real state of affairs.

Mr. Stocqueler *prit parole*, and with reference to the remark regarding newspaper attacks, avowed that he grounded those which the *Englishman* had made, on evidence furnished by the curators themselves. He referred to their last published statement of accounts, (1st April) in which it appeared that the library owed upwards of eight hundred rupees to the Union Bank, but had, to meet the debt, only 900 rupees, in course of collection, a sum that might or might not be recoverable.

Mr. Stocqueler said, that he felt much interest in the prosperity of the library, and that, as the public could only be induced to support it by being put in possession of the state of affairs, he thought it the duty of the press, when the affairs were represented to be in disorder, to urge a reform in the management. He was much gratified with Mr. W. P. Grant's present explanation, and regretted that it had not been laid before the public, instead of the imperfect statement which had alarmed him (Mr. S.) and other friends to the library.

Mr. W. P. Grant and Mr. H. M. Parker expressed their surprise, that the imperfect statement should have found its way into the public prints. It contained important omissions, and its appearance had not been sanctioned by them.

On the question of Mr. Bell's resignation being put from the chair, Mr. Bell was asked whether what he had then heard and seen respecting the accounts, did not cause any alteration in his intentions?

Mr. Bell avowed that his opinion remained unaltered.

Mr. W. Adam then proposed that a committee be formed to investigate the accounts, and report upon the state of affairs.

Mr. J. P. Grant seconded the proposition. Mr. Stocqueler moved as an amendment, that the curators be requested to prepare and publish a statement of the accounts made up to the 1st May (instant), exhibiting all

the available assets of the institution, and specifying its debts and dependencies. Mr. W. Ochme seconded the amendment. Mr. W. Adam submitted that the original motion and the amendment might be rendered perfectly compatible with each other, by the curators being requested to form the committee of investigation. In this form the proposals were put from the chair and agreed to *nem. con.*

On a motion that the meeting do proceed to elect a curator, in succession to Mr. Bell, Mr. Morrell proposed Mr. Stocqueler. Mr. S. submitted that, not being a proprietor, he was ineligible. Mr. J. P. Grant then named Mr. William Carr, who had formerly been a curator, and merely resigned because he was about to proceed to England. Mr. Stocqueler seconded the nomination, and Mr. Carr was duly elected.

The meeting then separated after voting thanks to Sir J. P. Grant, for the kind manner in which he had performed the troublesome duties of the chair.

**SALE OF COMPANY'S COMMISSIONS.**—Despatches have been received in India, announcing the intention of the Honourable Court to withdraw their old prohibition of the sale and purchase of commissions in the army; in other words, it has been found expedient to legalize the purchasing system which could not be prevented.

**CIVIL SERVANTS' PERIOD OF PROBATION.**—It is said that the Court of Directors intend to vest a discretionary power in the local Government, of modifying the present peremptory rule, which allows to their civil servants, the term of one year only for passing the college examinations, from the date of their arrival at the presidency.

**RUMOURS OF WAR.**—Preparations for a further concentration of forces, are said to be going on, and another company of sappers and miners have marched for Sylhet; and it is bruited, that two more regiments will be added to the Sylhet frontier.

**SECTION WRITING.**—Government have at length come to a decision on the much mooted question of remuneration to section writers. The pay is henceforward to be one rupee for one thousand four hundred and forty words. The resolution applies to all section writers who have entered the service subsequent to the 1st of January last, out does not affect the remuneration of old servants. At the end of each year a committee is to be formed to take into consideration all matters touching section writing, and to make their report thereon.

**DISCOVERY OF MAKING TAPIOCA.**—Mr. D. W. H. Speed has succeeded in making *tapioca* from the *cassava* plant. Having obtained some plants of the *cassava* from the Horticultural Society, Mr. Speed proceeded to his task with an ability that exhibits itself in the perfect success of his endeavours. To make the speculation in any way responsive to the trouble and time which it requires. It is desirable that the remaining portions of the plant should find a sale in the market; and as it is in its nature nearly, if not altogether, unknown to our native fellow citizen, we have the pleasure to state for their information, that the *cassava* is used in the West Indes as a substitute for bread, and that very pretty eating may be had from it, in the shape of good, wholesome food. If any inducement were given by purchasing these portions, so that on the disposal of the whole plant, a profit might be reaped from his labours, we are given to understand, that Mr. Speed would not be unwilling to manufacture another article of diet, admirably adapted to the uses of convalescents and young children.

**ACQUEDUCT IN NEW COOLOOTOLAH STREET.**—The acqueduct, which was noticed in the papers some time ago, as proposed to be made in New Coolootollah street, at the expense of Baboo Motesaul Seal and Baboo

**Maudhlab Dutt**, has lately been begun. It will cost the Baboos about four thousand rupees.

**FANCY SALE.**—The sale of fancy articles for the relief of sufferers in the north-western provinces, realized about six thousand rupees.

**ACCIDENTAL DEATH OF MR. HUNTER.**—Intelligence has been received of the death of Mr. Hunter, of the civil service, under very melancholy circumstances. The catastrophe is described in the following extract of a letter, dated Ghazeeapore, May 8, 1838:

‘Mr. Hunter, joint magistrate of this station, was amusing himself yesterday evening about 6 o’clock, leaping a spirited horse over a ditch or drain. About the third attempt, the horse reared and turned, which suddenly unseated Mr. H.,—he fell on his head, crushing the crown inwards, and was taken up senseless; blood was gushing from his mouth and ears. Medical aid was speedily called. Mr. Assistant Surgeon Jackson was first in attendance, but nothing could be done; the poor gentleman never spoke again, and was dead in an hour after the accident.

**MR. MANGLES.**—Mr. Ross Donelly Mangles has been appointed to succeed Mr. Walters in the Board of Revenue. This leaves the secretaryship in the judicial department to the Governor of Bengal vacant, and it is not improbable Mr. F. Halliday will be permanently appointed in Mr. Mangles’s room.

**THE LUTTURAH AND PESHEE GAUMS.**—A letter from Assam states, that the Lutturah and Peshee Gaums had returned to their old places, and that there is not the slightest chance of another disturbance at present, they having sent back their hired fighting men.

**THE BURMESE AND NEPAULESE.**—Two companies of Assam light infantry have been ordered to keep the pass between Burmah and Nepal, and to intercept all letters that may be passing. A sample of Tharawaddi’s scrawl has been sent to Major Lister for his guidance. It is a compound of clumsy pot hooks and hangers, as a great man’s manuscript ought to be. The Nepaulese Rajah, on the other hand, writes a fine fist, something between German text and running hand.

**SALE OF THE COMPANY’S SILK FACTORIES.**—The under-mentioned silk filatures, belonging to the East India Company, which were put up for sale at the export warehouse on the 22d instant, fetched the following prices:

Bhowannygunje factory, 100 pottery ghyes, &c., standing on about 12 beegas of land, subject to an annual rent of Sa. Rs. 72. Upset price Company’s rupees 1,780, was purchased by Baboo Rogoonath Bose for Co.’s Rs. 1,785.

Hajah factory, 180 pottery ghyes, &c. standing on about 21 beegas and 12 cottahs of land, subject to an annual rent of Sa. Rs. 43-3-4. Upset price Company’s Rs. 2,667, was purchased by Baboo Cossinath Bose for Co.’s Rs. 2,670.

Madoymoorree factory, 70 pottery ghyes, &c., standing on about 9 beegas of land, subject to an annual rent of Sa. Rs. 36. Upset price Company’s rupees 1,423, was purchased by the same individual for Co.’s Rs. 1,482.

**THE COMMANDER-IN-CHIEF.**—His Excellency the Commander-in-chief has tendered his resignation. This regulation, in which his departure for England has been fixed to take place in the ensuing cold weather, was sent in last month, various reasons of a public nature, are assigned for this step.

#### MOFUSSIL.

**DELHI.**—Colonel Alves, and his *corps diplomatique*, are still at Kotah, emancipating the Rajah from the thraldom of his hereditary prime minister, who has hitherto arrogated to himself all the powers and emolu-

ments of a *Maire du Palais*, but who has now engaged to relinquish these prerogatives, on being granted a fat *jagheer*! These arrangements will, in all probability, be concluded by the end of the present month, when Colonel Alves expects to return to Ajmere.

The wealthy *Seths* of the city of Ajmere have munificently come down with nearly two-thousand rupees, in aid of the famishing poor of the Doab.

**AGRA.**—The weather has been extremely variable since the last report, the wind being chiefly from the north, and north east; at one time hot and oppressive, even long after sun set, but as the night advances, it becomes almost cold. This must be owing to rain from a northerly quarter, and it is known, that a heavy fall took place at Kurnaul on the night of the 11th and 12th instants. Cholera, happily, continues to retrograde, but the hospitals, European and native, are full of fever cases, accompanied by distressing affections of the head. A general deterioration of air, or exhalations limited to an extent in its operation, assisted at the same time by a great diversity of temperature, have, no doubt, rendered the present season a very unhealthy one.

The number of poor working under the magistrate are still ranged somewhat below 80,000. The official return is 77,500, and the new entries are at present not more than sufficient to cover the number of vacancies arising from dislike to hard work, a wish to better situation, death, sickness, and the dread of catching the cholera.

**MUTTRA.**—Owing to cholera having prevailed for some time past amongst the Europeans of the troop of Horse Artillery at Muttra, where several men have been carried off by the disease, it has been determined to move the troops into tents across the Jumna, for change of air, and to enable the barracks to be white-washed, and otherwise purified; the same measure having been resorted to, with complete success last year, in respect to the Foot Artillery at Agra.

**ALLYPOURH.**—The bridge over the Kala Nuddee at Hydramy in this district, has suffered a serious fracture, one of the blind arches having sank so as to become separated from the main building. This bridge was only finished in 1830, and cost the Government 96,000 rupees.

Cholera and small-pox have both broken out in this town, but have not assumed any very virulent character.

**MYNPOOREE.**—Mangoe grove, large enough to hold between 2,000 and 3,000 people, is walled in, and divided by a bamboo fence, into secure and commodious lines. Into this enclosure the poor are admitted every morning at daybreak. Bread is baked on the premises of a Resident, and its distribution is superintended by another soon after sunrise. Three chupatties weigh a pound, and this quantity is given to the leanest adults; two to the less needy, and to the weaker children, and one to the remainder: a man follows, distributing salt, and four bheestees of water. Subordinate arrangements are observed, and adopted as suggested by necessity, for convenience of distribution, and the preservation of order: thus, tickets, consisting of an office stamp pasted on wood, are suspended to the necks of the weaker objects, and these are confined to one line; none are allowed to pass the entrance, nor to rise from their seats, after a certain juncture. These, and similar precautions are necessary, for the good of the whole. The number now fed, amounts to about 1,450 souls; and without doubt, the majority of these are nearly, if not entirely, sustained by the charity. One maund of otta bakes into  $1\frac{1}{2}$  or  $1\frac{3}{4}$  of bread; therefore seven maunds gives about 2,400 cakes,—enough for 1,000 applicants.

**SAVOOR.**—The weather continues delightfully cool, and the station is remarkably healthy. Much praise is due to Captain R., executive officer, for the attention which he has bestowed on the public roads, and for general improvement throughout the cantonment.

**SIMLA** was never so crowded as it is this season.—The rent of houses is enhanced fifty per cent. Upwards of twenty houses of this and last year's erection, are all occupied. Public offices are converted into private residences by the majority of the Governor-General's office establishments, and the public bazar contains a portion of those who were unfortunate enough not to obtain domiciles elsewhere. Lord Auckland is said to be displeased with his house. It is frittered away in paltry closets six and seven feet square, and has only two rooms deserving the name. His Lordship's staff are little better off. Among the Commander-in-Chief's party, there are many in larger and better houses than His Lordship. This is rather chagrining. His Lordship's *entrées* was rather imposing: the élite of Simla, headed by Sir H. Fane and staff in "review order," ushered him in. Provisions are scarce and dear, which, perhaps, accounts for the monotonous dullness of the place at present. Balls and dinners are talked of, and the political agent is preparing for a grand fête to be assembled at Simla. Theatricals were talked of, but the *dramatis personæ* hang back from apprehensions, that their body is neither numerous nor choice enough to afford popular representations. It is said that the Governor-General returns here next season, after visiting Lahore, but doubts are entertained whether the Commander-in-Chief does. The death of his mother may induce his return home, but every thing is as yet in profound uncertainty. A mission from Lahore is daily expected, and a return one, headed by Mr. Macnaghten, is talked of. The establishment of a cantonment at Ferozepore on the Sutlege is, I believe, determined on, and apprehension seem to be entertained that all is not right on the N.W. frontier. Artillery and Cavalry, it is presumed, will constitute our chief arm at the remodeled fortress and new cantonment. The influenza, an epidemic, which more or less has affected the inhabitants of Upper India during the last four months, visited this place, and is now disappearing. Its symptoms are those of mild fever and partial cold, and with care it is got over in a few days. On Wednesday and Saturday evenings, the public are gratified with good music from the Governor-General's band. There are about 300 Christian residents here now. The weather is still delightfully cool; fires are kept in the houses, and people stroll about all day without even a chatta.

**MONOMYR.**—A fire broke out in the Surwun Bazar at Monmyr, on the evening of 8th of April, at sunset, which, owing to the high wind blowing at the time, first threatened to be very destructive, but was afterwards happily got under without any very extensive loss. The vicinity of the burnt part of the town to a bazar, in which a vast quantity of grain was stored, caused serious alarm at the commencement of the disaster, but we are happy to have learnt that the flames were arrested before reaching this valuable store. It is supposed that not more than five and twenty houses were burnt, and these, for the most part, were huts. Had the wind blown a contrary quarter, that is from the westward instead of the eastward, a great portion of the town must have been destroyed. The conflagration was accidental, having been excited by the overboiling of a ghee pot.

**LOODERANAH.**—A deputation, headed by Mr. Secretary Macnaghten, to the Lahore Court, was to leave this station on the 10th instant. Its object is, it is supposed, to arrange preliminaries and forms for the interview between Lord Auckland and Runjeet Sing, which is to take place at Faurapoor on the Sutlege, next November. The deputation will be escorted by two companies of native troops.

**NEEMUCH.**—This part of the country is in a sadly unsettled state, overrun with plunderers of all descriptions. Capt. Ross, the Deputy Judge Advocate Genl., had a very narrow escape from being murdered, he having been attacked on his road to Mhow some days ago by three horsemen. They waylaid him as he was riding along unarmed, and with cries of "maer Furingre salah" charged him spear in hand. One fellow aimed directly at his breast but by wheeling his horse sharply round he escaped the blow, the weapon passing under the bridle arm, without injury. Being no match for the party, he put spurs to his horse and escaped, after being pursued for two miles. A representation of the business has been forwarded to Government by Mr. Bax at Indore, and it is to be hoped that something will be done to rid the country of these scoundrels.

#### NATIVE STATES.

**NEPAL.**—It is understood that in the event of a collision between us and the Burmese, the latter will be supported by the Nepalese. Some of the most impregnable of the hill forts are under repair, and a wooden barrier and intrenchment is being erected continuous to our territories. Such are the reports from this quarter.

**KOTAH.**—Native reports state, that the inconvenient and anomalous system of Government, which has held together now many years, and which it became expedient, if not necessary, for the British Government to assist in establishing at Kota, after the death of that "Nester of Rajasthan" Qaleem Sing, who did beyond doubt fill the office of prime minister in most embarrassing times, for a long period, with great tact and wisdom,—is on the point of being disannulled; as the treaties of separation, twixt the Maharao and the Raja Rana are being drawn up, by Captain Ludlow the political agent at that state, Colonel Alves, the agent in chief of Rajpootana, having afforded him the no small advantage, on the occasion of his late visit at Kotah, of witnessing the completion of the arrangement, which the subordinate official had been most anxiously and laboriously employed in preparing for some time past, for the ultimate approval of the greatest chief of all—the Governor General of all India.

**HERAT.**—By letters from that quarter it has been learnt that the forces of Iran have besieged the fort of Herat for seven months past, but by the bravery and boldness of Kamran, the King of that place, the fort remains unconquered. Large quantities of grain is stored in the fort, and plenty of wells.

The Shah of Iran asked his courtiers to assail the fort at once, but they advised him not to do so, as there would be a great loss on his side. The Shah has determined to take the fort, or die in the attempt.

**JYNEPOOR.**—The Regent Rawal Beree Sal, is said to be suffering from abscess of the liver, and is expected to sink under it. His death will be the signal for numerous commotions and intrigues in this state. The rubber crop has been a complete failure and considerable depopulation is taking place in consequence.

**REWARRE.**—An order from the commissioner over this zillah, enforced by the magistrate, authorizing the slaughter of cows outside the different villages, has thrown the Hindoos into a state of great ferment. Finding their expostulations to the commissioner unavailing, they have referred their complaints to Mr. Metcalfe, the Governor-General's agent for these districts.

**PESHAWUR.**—Travellers from that quarter mention, that the forces of Khybur having descended from the hill, and stolen away the camels of the Nazim of Multan, while they were grazing in a pasture; but when the owars of Peshawur, received this information, they

pursued and attacked them. The Khybur forces were defeated and hid themselves in the hills.

**CABUL.**—Reports from that place say that Captain Alexander Lurnes is enjoying his health well at Cabul, and the Ameers of the place visit him every day. There has been very little snow, and the travellers state that they have never felt so much heat in Cabul as they do this season.

**SCIND.**—By intelligence received from Scind, it appears that some ten or twelve thousand of beloochees, having assembled together, had commenced depredations within the Scind territories, and had plundered and ruined many villages therein; when the ameers of Scind, with a view to put an end to the evil, sent a force against them. On their confronting the enemy, the number of the latter being greater, the former was defeated. The ameers of Scind, about a month after, got up a powerful army, which proceeding against the beloochees, the tables were turned against them, and their number being far smaller, they thought it best to retreat. The Scind troops routed them and killed numbers in their retreat.

### BOMBAY.

**LOSS OF A LAROR VESSEL AND A PATAMAR.**—A large vessel and a patamar have been lost between Barn Hill and Mount Formosa to the southward. The wreck was discovered by a vessel which lately passed down the coast, and information of the event communicated to our naval authorities. The person by whom the communication was made, observed to leeward a large spar about 15 or 20 feet above water, and, on proceeding to examine this, another spar was observed standing eight feet out of the sea. The first was evidently, it is said, the lower mast of a vessel, as the step of it was clearly distinguishable, and the smaller one was the mast-head of a patamar with the rigging upon it. From the observations which were made, it was supposed that the wreck must have been a barque, and that she must have gone down in a straight direction, her keel resting on the bottom. Those who examined the vessel think that she must have been of a large size. Endeavours were made to disengage each of the spars but without success, although they managed to tow the smaller one about fifteen yards, when it was retained by something to which it appeared to be attached. On sounding there was a depth of 22 fathoms alongside the vessel which was lying with her head to the southward, from which circumstance it is thought she was homeward bound. The patamar, on examination, appeared to be held down only by the ship's rigging, and could be moved about easily. They sounded also on the deck of the vessel but could not see either its hull or that of the patamar. The conjecture is, that the vessel and the patamar must have come in collision during the night of Monday the 23d of April, which was a very dark and boisterous one, and to have gone down both of them instantaneously. Great fears are entertained that all on board perished. The wreck lies in 22 fathoms water about 15 or 16 miles from the shore, in latitude 12° 26' north, longitude 74° 59' east, *Burn Hill* bearing north 48°, east *Mount Formosa* S. 72° E. and *Mount Dillyjust* in sight from the poop bearing S. 40° E.

### CAYLON.

**JOHN SMITH.**—A great excitement, it is said, at present prevails in Colombo, in consequence of a person named John Smith—of English Parents—having lately renounced the Christian faith for the doctrines of the prophet. The individual is said to be a tailor, but very indolent, who avowed that poverty once before compe-

led him to change from Protestantism to Romanism, in expectation of obtaining relief, and that being disappointed he has now become Mahometan, in which he has been more successful, having, in the few days since his head was shaved and his dress changed, obtained a large sum of money in presents from the Moors. He is in fact a complete lion amongst these people who crowd to see Abdul Rahim Mowlah, which is the name he now rejoices in. He has deserted his wife and children, declaring, however, his readiness to provide for them if they adopted his new creed; but he is shortly to be married to a Moor woman, with whom he will probably get a considerable marriage portion. There are also said to be different plans to provide liberally for him; either to give him a bazar in the pettah or to send him to the coast. Altogether he has made a fine speculation of his apostasy, though we scarcely think the Moors can derive much credit from their convert.

### BURMAN.

**MAULMAIN.**—The barracks for the expected European regiment are fast progressing, and, no doubt, will be ready before the end of the month.

The result of the investigation which was held at Martaban by two Burmese officers of rank, into the outrages committed on our frontier, is just what was all along anticipated. It seems that the Burmese officers sent over to say they had secured two of the men accused of committing murders and robberies. Mr. de la Condamine proceeded to Martaban to ascertain the fact, and being satisfied they were the men, (although they were any thing but secured, being in fact gentlemen, at large, and in the suit of a high Bileng official who had accompanied the Burmese commissioners) he called for the apprehension of some more of those whose names had been given in by him on a former occasion. To his surprise, however, the Burmese commissioners said they had done all that was required of them. They had made enquiries, they said, and apprehended two men, and they intended to return to Rangoon immediately. Being asked if they intended to try even the two men whom they pretended to have secured, they said no, it was no part of their duty. Mr. de la C. took his leave and the next morning, (the 1st) the two Burmese officers, started on their return, although the day before they had said they intended remaining some days longer. What occasioned this precipitate retreat on their part is not known. Some attribute it to the want of provisions at Martaban for so large a number of followers as accompanied them; others to the preparations going on here for the reception of additional troops. Others again assert that orders have come down from Court, both to prohibit the encouragement of dacoits in future, and to put a stop to any enquiry into what they may have already effected. Among the native reports current in the place, one that possesses peculiar interest for the Maulmain ship-builders, is, that opposition building-yards are to be established at Martaban under the auspices of Mr. Sarkies.

Several vessels have come into the river in search of cargoes of rice. The price of this article has consequently rapidly risen, and may even be quoted at from seventy to seventy-five rupees per 100 baskets. At Rangoon rice sells at twenty-five rupees per 100 baskets, and, doubtless, the authorities there chuckle at their superior wisdom in keeping down the price of food for their people. At Martaban the sale of rice to our people is strictly prohibited, but the price to be attained there must offer sufficient temptation for its being smuggled over.

Private letters from Rangoon to the 30th of April, announce "the second act of Tharrawadie's interests of humanity" loving propensities. He has executed the ex-her apparent with twenty-three of his followers, including

three females. The charge against him was his supposed predilection towards the English.

The Governor of Rangoon was, in a little way, also indulging his taste for the "advancement of the human race." He had ordered for execution a man convicted of stealing three rupees, and had himself tortured an individual for the purpose of extorting confession. The British merchants are forbade to approach this great man with their shoes on. Fifty thousand baskets of paddy had been sent to Ava, and all the dried buffalo hides. The latter were intended to make shields of. An opinion was gaining ground, that Tharrawadie was determined to refuse compliance with the Yandaboo treaty, and, as a precautionary measure to guard against internal commotion, he has made away with the young prince, who might have been a rallying cry for the opposite party in Ava.

#### CAPE.

**DREADFUL MASSACRE OF THE EMIGRANT FARMERS.**—By the mail which arrived this morning from the northern frontier, we have received the appalling intelligence of the massacre of Mr. PIETER RETIEF, together with 270 persons, comprising men, women, and children! If the account furnished us be correct, the Zoolu Chief, Dingaan, must, with the most subtle treachery, have inveigled the emigrants into his territories, and, having acquired their confidence, he must, at a moment when thrown off their guard by his specious kindness, scattered and comparatively defenceless, have committed this savage butchery. This is a true sample of native character, and shews what Europeans may expect when left to their tender mercies. At present time will not permit us to dwell upon this painful subject; we there-

fore give the following extract from the account which had just reached our hands:

*Colesberg, 4th March.*

"Agreeably to the wish of Dingaan, as respects the emigrant farmers settling in his territory, Pieter Retief proceeded to take possession of such lands as that chief had previously pointed out for the purpose. After a tiresome journey, and having passed through numbers of Dingaan's people, with the most friendly intercourse, they arrived at a spot in the vicinity of Port Natal, where they established their head-quarters, and on which they purposed to build a fort, &c. Two days after their arrival, Retief made known his intention of locating on separate places such families as might wish to be so placed. On the fourth day these persons assembled with their waggons and families, amounting in all to two hundred and seventy souls, men, women, and children. On the fifth day they left head-quarters, and, on the night of the seventh day, they were surrounded, and attacked by a commando of Dingaan's people, and all perished, including PIETER RETIEF!

"Intelligence of this dreadful catastrophe" has been received by Mr. Maritz (formerly of Graaff-Reinet), and by him it has been forwarded to farmers residing on the Riet and Modder rivers, together with a communication that he wishes as many as are capable to join him for the purpose of giving assistance to the emigrants remaining at Retief's head-quarters. In consequence, however, of a rumour that all are killed, the farmers are rather tardy in their movements, and some doubt is expressed as to whither they will proceed.

"I have this intelligence on the authority of a gentleman of unbought respectability, who has actually read the document, spoke to Maritz on the subject, and who heard the aged people bewailing the loss of the children." — *Graham's Town Journal*, March 8.

# THE CALCUTTA MONTHLY JOURNAL.

1838.

## THE OVERLAND ROUTE.

### REPORT.

The steam committee in publishing the following report of Col. Barr's proceedings in Egypt, have to congratulate the subscribers to the fund, and the public in general, on the near completion of arrangements which will so greatly tend to facilitate the transit, and promote the comfort of passengers, proceeding to England via the Red Sea.

It will be in the recollection of the subscribers that Col. Barr, under instructions from the committee, took with him from hence and also purchased in Egypt, sundry articles, consisting of small tents, sedan chairs, covered chairs for ladies and children; tables, small table chairs and cooking utensils; a portion of which he left at Cosnier, to be distributed on the route between that place and Thebes; and the remainder he disposed of between Suez and Cairo. These will be found sufficient for the accommodation of such passengers as are likely to proceed by these routes, before the more extended improvements are brought into operation.

Immediately on his arrival in Egypt, Col. Barr communicated, as requested by the committee, with Col. Campbell, the consul-general there, who entered warmly into our project and addressed to Boghöz Bey, the minister, a long official letter to be submitted to the Pacha, on the subject of the erection of suitable buildings between Suez and Cairo.

Pending the expected answer to this communication; which on the assurance of Boghöz Bey, the committee have every reason to believe will be favourable; arrangements were entered into with Messrs. Hill and Raven, of Cairo, to provide the necessary establishment of carriages and baggage, waggons, &c., for conveying passengers across the desert.—This agreement provides, that in consideration of the sum of £1,000 Sterling, Messrs. Hill and Raven engage to procure and hold on account of the steam committee.

- 4 Light vans with canvas or woollen awnings and stuffed seats.
- 2 Luggage waggons.
- 40 Mules.
- 5 Sets of harness for light vans of 4 mules each.
- 3 Sets of harness for luggage waggons of 6 mules each and to keep up the following establishment:
- 6 Carriage drivers.
- 15 Assistants at station-houses.
- 1 Harness mender, and
- 2 Shoeing smiths; one at Suez and one at the centre station house.

The whole to be kept in a thorough and efficient state of repair for the space of five years, commencing from

five months after the 20th April, at which time the £1,000 was paid to the contractors.

The following regulations as to the time of starting from Suez and Cairo, the rate of travelling, and the fares to be charged, were also arranged.

### TIMES OF STARTING AND RATE OF TRAVELLING.

*From Cairo.*—If more than a sufficient number of passengers for one van are anxious to proceed to Suez; the first van to start within 48 hours before the departure of the steamer from Suez, and the second within twelve hours after the first. If only sufficient passengers for one van, to start thirty-six hours before the departure of the steamer; or as may otherwise be agreed on by the majority of passengers.

*From Suez.*—The first van to start six hours after the landing of the first lady passengers from the steamer;—the second twelve hours after the first; if the number of passengers exceed ten. In event of there being no lady passengers, then the first van to start six hours after the landing of the first ten male passengers.—Ladies to have always prior claim as to proceeding by the first or subsequent carriages.

The right of male passengers, without families, to a similar choice, to be hereafter determined by the steam committee. Every facility to be afforded to such ladies or gentlemen as may wish to perform the whole, or any part, of the journey by saddle, in place of carriage conveyance.

### THE RATE OF TRAVELLING TO BE,

- 20 hours actual travelling, or less if practicable.
- 21-3 hours stoppage at the centre station.
- ½ do. at the other stations.

The votes of a majority of passengers by any carriage, may extend the period of halting at the mid-way station for any number of hours, not exceeding twelve; or of departure from Cairo or Suez for six additional hours. This latitude be necessary at particular seasons.

### FARES AND CHARGES.

From Cairo to Suez and from Suez to	
Cairo, for Ladies or Gentlemen..	£ 6 0 0
Children under 10 years of age....	3 0 0
Servants .....	3 0 0

The above to include the carriage of one cwt. of luggage for each lady or gentleman, and ½ cwt. for each child or servant, with provisions, attendance, &c.—but not including wines, spirits, beer to go by the luggage. Extra luggage waggons, and be charged at the rate of five shillings per cwt.

To procure the carriages, in conformity with the above agreement, Mr. Raven was about to proceed to England, at the period of Col. Barr's departure from Egypt.

With regard to the buildings between Suez and Cairo, plans have been prepared of a centre station and four intermediate ones in the desert, which are now before the committee, all of which Messrs. Hill and Raven offer to contract to build, for the sum of 5,117 dollars, or about 12,000 rupees. The centre station to contain one room of 24 feet by 18, and 5 sleeping apartments of 14 by 12, and 15 feet high, with stabling and other requisite buildings; the whole protected and enclosed by a wall 15 feet high to be built of stone, in a substantial and workmanlike manner. A water tank also to be added sufficiently large for the use of the mules.

The intermediate bungalows to be built with walls twelve feet high, and to have stabling attached; together with water tanks, the whole to be built in the same substantial manner as the centre station.

At the date of Col. Barr's departure from Cairo, Col. Campbell had not received any positive answer from the Pacha, relative to the erection of these buildings, but in a letter dated Alexandria the 11th April, he writes to Col. Barr, that "the Pacha, who is now in the Delta, has written; in a letter received yesterday; that he will arrange everything satisfactorily with me respecting those buildings on his arrival at Alexandria, which will be in a few days. His arrival however will probably not be in time for me to communicate to you, before the departure of the expected steamer, any arrangements which the Pacha may make with me, and therefore I fear that I shall not be able to let you or the Bombay steam committee, know the result before the steamer which will leave Suez in the ensuing month.

"Nothing, of course, can be undertaken in the way of building or forming establishments of any kind or nature, between Suez and Cairo, until I shall obtain the Pacha's sanction to that effect."

The committee have every reason to believe that the Pacha will himself undertake the erection of these buildings, but in the event of his declining to do so it will be necessary to place at the disposal of Col. Campbell, the requisite funds for carrying on the work on his obtaining His Highness's sanction to do so. In the mean time, however, a sufficient number of tents have been provided as substitutes for the buildings; and as the contract with Messrs. Hill and Raven, comes into operation on the 1st of October, passengers on landing at Suez, from and after that date, will find there a branch of the Cairo hotel, where they can remain comfortably, free of all expense (except for wines, &c.) for as many

hours as they please. From thence a ten hours' drive to a comfortable open, or close carriage, over an excellent road, will take them to the half-way house, whence an additional drive of 9 or 13 hours brings them to Cairo, where they will find comfortable accommodations in the English hotel.

With a view also to improving the communication between Cosseir and Thebes, likely to be visited by so many passengers from India, Col. Barr communicated with a Mr. Prisse, a civil engineer, formerly in the Pacha's employ, now resident at Luxor, and obtained from him plans for a building at Luxor, another at Cosseir, and four intermediate ones in the desert, the erection of which he offers to superintend and conduct.

Mr. Prisse estimates the expense of these buildings as under for a house at Luxor, as per plan..... £500

Ditto at Cosseir ditto..... 250

4 intermediate houses at £175 each..... 700

£1,450

He states, however, that it is difficult to estimate correctly the expense of building in Egypt, where the price of labour and materials varies so much, but he feels confident that the cost of those he proposes, would not exceed, under any circumstances, £1,700.

The Pacha had also given orders to build a number of boats both for the Nile and Canal, to be placed under the entire control of the consult, allowing them to fix a fair scale of passage-money. As we may reasonably expect, from the management under which they will be placed that these boats will be kept in a proper state of cleanliness, this act of the Pacha's will prove one of the greatest boons he could grant to the traveller through his dominions. His Highness had further intimated his intention of having small steamers on the Nile and Canal, as soon as they can be prepared, and has, in fact, promised to afford every facility for the transit of passengers. The committee have only to state in conclusion, that an accommodation building at Mocha or Aden, if the latter should be selected as the coal depot, appears to be absolutely necessary for the comfort of passengers, as all complain of the discomfort of having to remain on board the steamer while the coals are being taken in.

C. B. SMYNNER, Actg. Sec.

Bombay, 17th May, 1838.

[Bombay Courier, April 19.—Hurkaru, June 2.]

## TRIAL BY JURY IN CIVIL CASES.

We invite the attention of our readers to a letter addressed to the Honourable the President of the Council of India, by the committee appointed by a public meeting at the Town-hall to communicate with the Government, respecting trial by jury in civil cases in the Supreme Court, and the answer of Mr. R. D. Mangles, the officiating Secretary to the Government of India. The case of British subjects is strongly and clearly put; and the delay and dilatoriness of the "powers that be" not spared. The answer is anything but satisfactory; for the committee are told to wait the result of the deliberations of the Law Commissioners, "who are engaged in the consideration of the existing law of procedure in all the Courts of India and in framing a code for the future regulation of the same;" and consequently ten years hence we may possibly have a recommendation of jury trial in civil cases has gone home for the opinions of the Court of Directors, and

Board of Control, and in ten years more, we may, if we are in good luck, ascertain what those opinions may be. Six years have been consumed already, and the only progress we have made is the receipt of an assurance, that "the best attention of the Legislative Council will be given to our wishes," which means, being translated, "open your mouth and shut your eyes and see what the gods will send you."

Calcutta, May 27, 1838.

TO THE HON. THE PRESIDENT OF THE COUNCIL OF INDIA.

HON'BLE SIR,—We beg permission to address you as the committee appointed by a public meeting of the inhabitants of Calcutta, convened for the purpose of promoting trial by jury in civil cases in Her Majesty's Supreme Court of Judicature for this presidency. Our

object is to entreat the favourable and immediate attention of Government to the prayer of the inhabitants of this city, a prayer important in its object, often urged, powerfully supported, yet long left without any reply.

In 1726, British Law was first introduced into India, and in 1774 the Supreme Court was founded in Calcutta, with the same number of judges and similar jurisdiction as the King's Bench in England. With British Law, and a British Court, the inhabitants had hoped that trial by jury, which is the grand characteristic of that law, and the invariable practice of these Courts, had also been given to this city, but in 1779 the judges determined, that except in criminal cases, they had no authority to try by jury. In consequence of this determination a petition was presented by the inhabitants of this city to the legislature, against a court being established, "who should be at once judges and jury, and invested with uncontrolled and indefinite powers, such as no men were to be trusted with." This petition was presented, but was not followed up by any substantive motion, for then one great obstacle existed to granting its prayer, which has long since been removed, the want of a sufficient number of capable jurymen.

On the 14th of April 1832, a public meeting was convened at the Town-hall to petition Parliament for a legislative enactment, for trial by Jury in civil cases. The requisition to the Sheriff was signed by the unprecedented number of 312 persons, comprehending every mercantile firm in Calcutta, and 162 of the most opulent natives. One of the present judges of the Court, the Hon'ble Mr. Justice Grant, took a most prominent part at the meeting, and all the resolutions were carried with only one dissentient voice, and 3,108 inhabitants of Calcutta, signed the petition to the King and Legislature.

The Right Hon'ble Charles Grant presented this petition to His Majesty and to the House of Commons and the Marquis of Lansdowne to the House of Lords. Mr. Grant, as President of the Board of Commissioners for the Affairs of India, addressed a letter dated November 1834, to Mr. Longueville Clarke, the chairman of the committee, recommending an application to the Governor General and the Legislative Council, as possessing full powers to comply with the prayer of the petition. In consequence of this recommendation, a second public meeting was convened by the high Sheriff at the Town-hall on the 8th of July 1835, at which a petition was unanimously voted to the Hon'ble Sir Charles Theophilus Metcalfe, then Governor General, praying for an Act of Council, granting trial by jury in civil cases, and which petition was signed on behalf of the inhabitants by the high Sheriff of the city.

No legislative enactment having been passed, and the Right Honourable Lord Auckland having arrived as Governor General, a third public meeting of the inhabitants of Calcutta was convened at the Town-hall on the 12th of April 1836. At this meeting a petition to the Governor General was unanimously voted, and presented to him personally by the high Sheriff, and the whole committee, on which occasion, his lordship was pleased to say, that the petition should be laid before the Law Commissioners and their attention called to its great importance.

From that time to the present no legislative enactment has been passed, no communication has been made to the committee, and trial by jury in civil cases has not been introduced into Calcutta.

In addition to the above detail, shewing the unanimous wish and continued efforts of the inhabitants of this city to obtain trial by jury, we beg to refer to the repeated charges of chief justice Ryan to the Grand Juries, especially in the 12th of April 1828, and also to the charges of Chief Justice Grey, and Mr. Justice Franks, pronouncing their strong opinions on the importance

of introducing trial by jury in civil cases, while the fact of Mr. Justice Grant, having been a member of the committee up to the time that he became a Judge of the Supreme Court, at once establishes, that the judges of the Supreme Court, consider, the introduction of juries in civil cases of essential consequence.

The recommendation of the president of the Board of Commissioners to apply to the Legislative Council, at least establishes that the highest authority in England, did not object to the proposal. The numerous signatures of the barristers, officers of Court, and attorneys to the petitions; prove, that the experience of the profession was strongly in favour of the measure.

Such, Honourable Sir, are the facts under which we address you, and respectfully entreat your early attention to the prayer of the inhabitants of this city. We do submit in plain, but we trust in becoming language, that the strength of our case is almost unparalleled. The capital of British India is now praying for the introduction of that system, which is the most ancient, and the most prized in the British Constitution, a system closely identified with the cherished punchyat of the natives, and forming as it were a link still further to unite the European and native subjects of Her Majesty. The introduction of this system has been strongly advocated by the judges of the very Court in which it is to take effect, it has been advocated by the bar, the officers, and the attorneys, and three times in the last eight years have the citizens publicly assembled and petitioned the Crown, the Legislature, and the local Government, to grant them that trial by jury, which ought to be inseparable from British rule, and which is rapidly introducing into every country through which knowledge, freedom, and tolerance, are disseminating.

We have the honour to remain, Hon'ble Sir, a  
Your obedient humble servants,

LONGUEVILLE CLARKE, *Chairman.*  
WILLIAM PATRICK GRANT.  
DAVID HARR.  
GEORGE VINT.  
JOHN FAIRLIE LEITH.  
ROBERT JOHN BAGSHAW.  
DWARKANATH TAGORE.  
PROSONOCCOMAR TAGORE.  
HENRY MEREDITH PARKER.  
CHARLES ROBERT PRINSEP.

To LONGUEVILLE CLARKE, Esq. AND OTHERS.

*Being "the committee appointed by a public meeting of the inhabitants of Calcutta, convened for the purpose of promoting trial by jury in civil cases in Her Majesty's Supreme Court of Judicature for this presidency."*

#### Legislative Department.

GENTLEMEN,—I am directed by the Hon'ble the President in Council, to acknowledge the receipt of your letter, dated the 21st instant, and to inform you, in reply, that at a time when the Indian law commissioners are immediately engaged in the consideration of the existing law of procedure in all the Courts of India, and in framing a code for the future regulation of the same, his honour in council does not think it proper to forestall the results of their deliberations upon a general subject of such great importance, by introducing immediately a charge in the mode of administering civil justice in the Supreme Court of Calcutta.

2d.—I am instructed to add, that a copy of your letter under reply, will be forwarded to the law commissioners and that, as stated in the para. 2, of Mr. Secretary Macnaghten's letter to Mr. Cockrell, dated the 30th of May 1836, on the final consideration of the questions as to "what alterations should be introduced in the mode in



which matters of fact are now decided by the Supreme Court, or what modifications generally in the application to India of the principle upon which they are decided in England ;" the best attention of the Legislative Council will be given to the wishes of the body which you represent, and to the arguments with which those wishes have been urged.

I have the honour to be, Gentlemen,

Your most obedient servant,

(Signed) ROSS D. MANOLIS,

Offg. Sec. to the Govt. of India.

Council Chamber, May 28, 1838. [Hurkarn, June 6]

## LANDHOLDERS' SOCIETY.

*Proceedings of a general meeting of the members of that Society, held at the Town-hall, on Monday, the 28th May.*

### PRESENT.

Rajah Radhakant Bahadoor ; Rajah Kallykissen Bahadoor ; Rajah Rajnarain Roy Bahadoor Cowar Suttchurn Ghosaul ; Baboo Ramrutton Roy ; W. Storm, Esq. ; Baboo Callykinker Pallit ; G. Vint, Esq. ; Baboo Dwarkanauth Tagore ; Baboo Prosonoooomar Tagore ; W. F. Fergusson, Esq. ; G. Prinsep, Esq. ; W. C. Hurry, Esq. ; D. Hare, Esq. ; J. Humfrays, Esq. and Moonshes Mahomed Ameer.

Baboo Kannoyall Tagore and several other members and visitors, upwards of 60 individuals.

Rajah Kallykissen Bahadoor was called to the chair.

The secretary read a short report of the proceedings of the committee since the last general meeting, and which is as follows :

The committee beg leave to lay before the Society, the following short report of their proceedings since the last general meeting.

Their first meeting was held at the Town-hall on the 27th March, when an establishment was voted for carrying on the business of the Society, and Mr. Dickens was requested to find some gentleman willing to undertake the office of secretary. The Union Bank was requested to act as treasurer, and it was ordered that a respectful letter be addressed to Government, informing them of the establishment of the Society, soliciting to be allowed to communicate with Government through the secretary of the Society on all subjects connected with the general interests of the landholders, in the same manner that the Chamber of Commerce does now on matters relating to trade.

An application was presented by the provisional secretary, requesting the Society to memorialize the Government, to introduce the Vernacular language into the proceeding of the Sudder instead of the Oordo, as contemplated at present.

On the 2d of April, the committee met at Mr. Hurry's office, that gentleman having agreed to act as European secretary, and having offered the Society the use of apartments in his house, No. 3, Clive-street ghaut. Baboo Prosonoooomar Tagore also consented to continue to act as secretary for the native languages.

The following gentleman were elected additional members of the committee :

Baboo Pranauth Chowdry ; Baboo Callynauth Roy Chowdry ; Baboo Mothoornauth Mullick ; Baboo Shumbo chunder Mitter ; Rajah Burrodacaut Roy ; and Baboo Radhamadhub Banerjee.

A list of districts was submitted to the meeting, in order to form sub-committees of correspondence.

On the 23d April, the committee took into consideration the resumption petition, and agreed to forward it to

Government, and support it by a separate representation. It was resolved, that Government should be applied to, for a copy of the draft resumption law, which is understood to have been printed. The answer of Government to the request of the Society, to be allowed to communicate with it having been received, was read, and is as follows :

No. 501.

TO W. C. HURRY, Esq. AND BABOO PROSONOOOOMAR TAGORE.

Gentlemen, — I am directed to acknowledge the receipt of your letter dated the 7th instant, enclosing the prospectus of a Society to be called the Landholders' Society, and requesting permission to address the Government, through the medium of the Society's secretary, in the same manner as is done by the Chamber of Commerce.

In reply, I am directed to state, that the Hon'ble the deputy Governor of Bengal will always be disposed to receive and consider the representations of any class of the inhabitants, affecting their own interests or the good of the community.

The communications of the Landholders' Society upon matters connected with the lands, revenue, and judicial departments of government, must be addressed in due course, through the secretary of those departments.

I am, Gentlemen, your obedient servant,

(Signed) H. T. PRINSEP,

Sec. to the Govt. of Bengal.

General Department.

Fort William, 11th April, 1838. }

On the 7th of May the committee were increased to the twenty-four, by adding six European members, as follows :

G. Vint, Esq. ; W. Storm, Esq. ; Robert Watson, Esq. ; James Hastie, Esq. ; J. McKilligan, Esq. ; and W. Fergusson, Esq.

They determined, that the question of vernacular language be discussed at a general meeting in consequence of its importance, and this day (the 28th) was accordingly fixed for the purpose.

On the 14th May, the distribution of the sub-committees was completed. On the 21st May, the answer of Government to the letter, requesting a copy of the draft resumption regulation was read, and is as follows :

TO W. C. HURRY, Esq. AND BABOO PROSONOOOOMAR TAGORE,

Hony. Secys. of the Landholders' Society.

Gentlemen, — I am directed to acknowledge the receipt of your letter of the 26th ultimo, applying for a copy of the proposed resumption regulation.

In reply, I am instructed to acquaint you, that the printed draft to which you allude, has been forwarded by this Government to the Government of India, and is understood to be now before the Legislative Council.

I am, Gentlemen, your most obedt. servt.

(Signed) F. J. HALLIDAY :

*Offg. Sec. to the Govt. of Bengal.*

*Revenue Department  
Fort William, 1st May, 1838.*

It was resolved that a second application be made to Government.

At the above meetings, the following gentlemen have been elected members of the Society :

Wm. Martin, Esq., C. F. Dumaine, Esq., P. J. Paul, Esq., R. Salano, Esq., James Furlong, Esq., John Cair, Esq., W. N. Hedger, Esq., W. Storm, Esq., John Bell, Esq., John H. Brightman, Esq., H. Harris, Esq., D. Andrew, Esq., A. C. Dunlop, Esq., J. Humphreys, Esq., George Palmer, Esq., W. F. Fergusson Esq., Baboo Ramdhun Bunerjee, James Fergusson, Esq., G. Vint, Esq., J. H. Haines, Esq., Rustumjee Cowarjee, Esq., Ramee Soorjamoney Deby, Rajah Bejoygovind Sing, Mirza Mahomed Mehendy Ispahani, D. W. H. Speed, Esq., M. Larrulota, Esq., W. Patrick, Esq., Thomas Tweedie, Esq., C. A. Cantor, Esq., W. R. Logan Esq., Chuecoram Sing, Jokissen Mookerjee, Rajah of Tipperah, Dewan Mahomed Ally, Baboo Sibjoy Tagore, Gourkisson Roy Chowdry, Moonshie Dalabally, Callycomul Roy, Callypersaud Roy, G. Higgins, Esq., J. H. Arratoon, Esq., Baboo Bissumbhur Roy, Rajah Guagadur Roy, Baboo Chundercant Choudry, Edward Preston, Esq., John Russell, Esq., Robert Watson, Esq., Baboo Essenchunder Banerjee, R. Thomas, Esq., Mirza Mahomed Mehendy Musky, J. C. Miller, Esq., Baboo Neelruten Holdar, Allan Gilmore, Esq., J. McKilligan, Esq., James, Hastie, Esq., Baboo Essenchuader Kanoongoe, Moulvee Curram Hussien, Moulvee Carramutally, Baboo Collykineur Paulit, G. T. F. Speed, Esq., W. Carr, Esq., H. J. Leighton, Esq., James Colquhoun, Esq., Colvin Campbell, Esq., Henry Roe, Esq., being 65 in number, and making the present number of members 161.

The committee in thus giving you a short summary of their proceedings beg to remark, that they have not confined themselves to the monthly meetings prescribed by the rules of the Society, but have met and transacted business every week since its formation, being anxious to bring it into extensive operation as speedily as possible. In the short time that has elapsed, they have obtained the recognition of the Society by Government, and the permission to address it through their secretaries; they have organized permanent sub-committees of correspondence for every district in Bengal, and appointed three sub-committees for special purpose of importance, viz.

G. Vint, Esq., W. Storm, Esq., and Baboo Ramcomul Sen, formed a sub-committee for examining a paper of grievances of the landholders, received from Baboo Mothooranauth Mullick.

Mesars. George Prinsep, Moonshie Mohumed Ameer and Suttochurn Ghosaul have been elected to consider the resumption petition, and prepare a letter to Government to accompany it. Rajah Radha-caunt Bahadoor, Rajah Kallykissen Bahadoor, and Baboo Ramcomul Sen are to take into consideration the very important subject of public instruction, which though it may not be considered as directly within the province of the Society, as in various ways closely connected with its objects.

Your committee feeling deeply the importance of general co-operation, in order to make the Society really and permanently useful, earnestly entreat every mem-

ber to use his influence to obtain as large an accession as possible to its numbers, so, that it may, in a short time, present almost, without exception the whole body of Landholders, and consequently become the proper organ of their opinions. The short time that has elapsed since their labours commenced, has sufficient to show, that much good may be effected by union and perseverance, and your committee trusts, that in these qualities the Society will not be found wanting.

W. COSM HURRY,

P. PAGORA,

*Hony. Secretaries.*

The translation of the above report in Bengallee was also read by the pundit of the Society, for the explanation of those who do not understand English.

An application from Moonshie Mohumed Ameer, expressing his opinion in favour of the Persian language, was also read by the secretaries in Bengallee and English, which was replied to, by the following gentlemen:—Baboo Dwarkanauth Tagore, Rajah Radha-caunt Bahadoor, Mr. W. Fergusson, and G. Prinsep, Esq.

After a considerable discussion on the merits of the petition, the following resolution was proposed by G. A. Prinsep, Esq. That this meeting generally concur in the opinion expressed in the petition, that it would be desirable to make the Bengallee the language of the courts in Bengal, and the Oordoo that of the courts of Behar and upper-provinces; but as the question affects not the landed interests alone, but all the community, this meeting do not think it a subject proper to be taken up separately by the Landholders' Society. This was seconded by Baboo Dwarkanauth Tagore, and carried unanimously. After offering the usual thanks to the chairman, the meeting dissolved.

*Proceedings of a meeting of the committee, held at the Society's office, No. 3, Clive-street-ghaut, on Monday, the 4th instant.*

PRESENT. ●

Rajah Kallykissen Bahadoor; Baboo Prosoonecomar Tagore; G. Vint, Esq.; Baboo Ramcomul Sen; Cowar Sutchurn Ghosaul, and W. C. Hurry, Esq.

The gentlemen proposed at the last meeting of the committee, to be the members of the Society, were unanimously elected.

The following gentlemen were proposed as members :

Proposed by G. Vint, Esq. and seconded by Baboo Ramcomul Sen.

J. F. Leith, Esq.; J. Bræ, Esq. of Hatbera, Jessore; Gilson Rowe, Esq. Charnerandie, Jessore; Jas. Dalrymple, Esq. Surda, Nattore; and A. H. Sim, Esq. Union Bank, Calcutta.

Proposed by Baboo Ramcomul Sen, and seconded by G. Vint, Esq.

Thomas Palmer Esq.

Proposed by Baboo Prosoonecomar Tagore, and seconded by Rajah Kallykissen Bahadoor.

Baboo Bhojrobchunder Chowdry zemindar of My-musing; W. Thompson Esq; Roy Pronkisson Mitter, of Barrasut; W. Wolby, Esq.; J. Smith, Esq.; A. Porteous, Esq.; Baboo Debendernauth Tagore; Baboo Muttooranauth Tagore, and Muddenmohun Chatterjee.

Proposed by Cowar Sutchurn Ghosaul, and seconded by Rajah Kallykissen Bahadoor.

Oodit Prokas Sing, Rajah of Buxar.

Proposed by Cowar Sutchurn Ghosaul, and seconded by Baboo Ramcomul Sen.

**Baboo Sreenauth Bremah:**—Read a letter from Mr. P. J. Halliday, officiating secretary to the Government of Bengal, in reply to the application for a copy of the draft resumption Law.

Resolved, an application to be made with reference to the suggestion contained in the above letter to the

Supreme Government in the legislative department to that effect.

The committee to meet again this day fortnight.

W. COBB HUNTER.

P. TACORE.

Hurkaru, June 7.]

Heavy, Secretaries

## AMERICAN ICE.

*To the Editor of the Bengal Hurkaru.*

Sir,—I am directed by the committee for promoting the importation of American Ice, to forward to you the accompanying resolutions, which will, of themselves, explain the object proposed, and the circumstances in which it has originated. Should you deem it right to aid the views of the committee, may I solicit the favour of your transmitting to me your opinion in writing for the purpose of its being submitted to the Government.

I have the honour to remain, Sir, your obedient servant,

LONGUEVILLE CLARKE, *Chairman of the committee.*

*Esplanade Row, July 1837.*

Resolved.—It appearing that Mr. Tudor experiences great difficulty in procuring vessels to carry cargoes of ice, and for which he is obliged to pay double freight, the importation might be greatly promoted, if the Government would offer an encouragement to ship-owners by a remission of port duties, a plan which has been successfully adopted by the authorities at Havannah.

Resolved.—That the true ground for soliciting the Government to offer this bounty to vessels landing ice, is the opinion of the medical profession of its vast importance to the public health, especially in cases of fever so incidental to this climate.

Resolved.—Some medical gentlemen of the first eminence, having offered to favour the committee with their opinions in writing on the great importance of a permanent supply of ice to the public health, that a circular be addressed to all the members of the profession at the presidency, soliciting their opinions on the subject, for the purpose of being submitted to the Government in aid of the intended application by the committee.

### TO THE HONOURABLE THE PRESIDENT OF THE COUNCIL OF INDIA IN COUNCIL.

HONOURABLE SIR,—I have been directed by the committee for encouraging the importation of American ice into Calcutta, to solicit most respectfully the aid of the Government, in promoting the undertaking.

The grounds on which the committee urge this request are, that the importation of ice is of the greatest importance to the public health, and that the success of the undertaking is endangered, unless assistance be afforded.

The committee are well aware of the unremitting attention bestowed by Government to the great object of public health, and of the vast sums expended for this purpose. They therefore believe, that if they can clearly establish that the importation of ice is of immense consequence to the health of this great capital, that the assistance which they seek will meet with favourable consideration.

The committee have obtained the opinions of all the principal medical practitioners in Calcutta, regarding the efficacy of ice in diseases, peculiarly incidental to

the climate, and I am directed to submit to your Honour in Council, correct copies of the circular, which the committee issued, and the answers which they have received. The letter of the committee distinctly stated the object which they had in view, and that the opinions were to be submitted to the Government. Of the twenty-two answers which they received, twenty-one treat a permanent supply of ice in Calcutta, as of great importance to the public health.

It was about a year ago, that the committee from carefully watching the receipts and expenditure of the speculation, began to entertain fears, that the sale of ice in Calcutta might not remunerate Mr. Tudor, its spirited importer; they believed that the undertaking might be injured, and not benefited, by raising the price, as that would diminish the sale, and if the sale were not rapid, loss would be inevitable, from the perishable nature of the article. The committee were aware, that the Government of Havannah had for the last eighteen years, secured a permanent supply of ice for that settlement, by giving Mr. Tudor a monopoly for its importation, and remitting all post and pilotage duties on vessels landing a cargo of ice; and they were also aware, that this plan originated at the suggestions of the medical profession. It was under these circumstances the committee proposed to adopt a similar course, but forbore making any application until they found Mr. Tudor entertaining doubts of his own success. Mr. Tudor has never been apprized of the fears, or intentions of the committee, but these fears have been realized, by the following paragraph in a letter from that gentleman, dated the 15th of February:—"The profits at best are very small—expenditures, of every kind, very heavy. After a shipment of twelve cargoes, and the consumption of four years of time, the debtor side of the ice account to India exceeds the credit side, and it is still a business of hope and expectations."

Under these circumstances the committee respectfully submit to your Honour in Council, that the opinions of so many eminent medical men, decidedly establish, how important it is to the public health of the capital to secure a permanent supply of ice. The experience of the committee, and the statement of Mr. Tudor, show that after four years' trial, and expenditure has not been covered by the receipts, and they are fully convinced, that increasing the price would not afford a remedy. It is under the latter circumstances, and on the former ground, the committee venture to appeal to the Government for aid.

The chief obstacles which Mr. Tudor has to encounter, are the objections of ship-owners to carry cargoes of ice, and the very high freight which they charge. It appears to the committee that these difficulties might be in a great measure removed, by the adoption of the plan pursued at Havannah, and if the port and pilotage charges were remitted to eight vessels every year, provided they landed not less than one hundred tons of ice, ship-owners would be desirous of taking the cargoes of ice at prices which Mr. Tudor could afford to pay.

'But while the committee, in the best exercise of such judgment and experience as they possess, venture to offer this suggestion, they trust that it may not deprive the undertaking of the benefit of any other plan, which may seem to your Honour in Council more expedient.

I have the honour to remain, with great respect,  
Honourable Sir, your obedient humble servant,  
LONGUEVILLE CLARKE,  
*Chairman of the American Ice Committee.*  
Calcutta, 8th June, 1838.

No. 1.

TO LONGUEVILLE CLARKE, Esq., &c.

SIR,—In reply to your letter of this day's date, calling for my opinion as to the importance of a permanent supply of ice to the public, I beg to state, that I consider it would be a very great blessing indeed, if the use of the commodity, could be placed within reach of the poorer classes of the community.

A press of business obliges me to be succinct in my reply. As an article of luxury, I need not expatiate upon the use of ice. It lies more within my province to declare, that the article is a therapeutic agent of immense value in the treatment of a variety of ailments that urgently demand the aid of the surgeon, no less than of the physician. This is especially the case on occasions where the preparation of artificial cold mixtures, would be onerous, incur delay—be inaccessible to many on account of the expense, &c. and after all, the substance not be suited for direct application as well internally as to various parts of the external surface of the body, as ice.

Purposely omitting all but affections of imminent danger, I content myself with observing, that there are cases of hemorrhage where during the hot-season especially, the application of ice, and of ice only might save life. In certain fevers, with great determination to the head, and burning heat, the application of ice lessens vascular action, and soothes the sense of rending pain in the brain, bringing not only relief, but a tendency to repose. The same remark applies still more forcibly to the dentition fevers of children, in whom the sensorial excitement and tendency to organicisim, are still greater than in adults. In internal inflammation, the surgeon in this climate does not possess a more soothing or more patent resolvent, and in cases of stangulated hernia, though such are not frequently heard of amongst us, ice might literally be worth its weight in gold. I might adduce other instances, but time will not permit.

I have the honour to be, dear Sir, yours faithfully,  
8th June, 1838. J. GRANT.

No. 2.

TO L. CLARKE, Esq. Chairman I. C.

SIR,—In compliance with the request contained in your circular, I have to state that cold is undoubtedly a most powerful remedial agent in many cases of medical, surgical, and obstetrical diseases, and ice, affords an easy expeditious, safe, very convenient and effectual means of applying it. In my opinion, in this point of view, ice is as valuable, as it is, as a comfort and luxury, in this torrid climate, and even in these respects it promotes health and makes life worthy having.

I have the honour to be, Sir, your most obedt. servt.

A. HALLIDAY, M. D. Presy. Surgeon.  
Chowringhee, August 3, 1837.

No. 3.

TO L. CLARKE, Esq. Chairman I. C.

SIR,—With reference to our conversation the other day, I can have no objection to state it as my opinion,

that Government can seldom have a more favourable opportunity of conferring a most incalculable benefit upon the inhabitants of all ranks and conditions of this town and neighbourhood, than by holding out every inducement for the importation, and the reduction for the price of ice.

I do not speak of this article as a luxury merely, but as a most important and essential remedial agent in a vast variety of diseases, both medical and surgical.

The substitutes to which physicians and surgeons have for ages been in the habit of resorting, for the relief of many of the formidable diseases of this country, are not to be compared in efficiency to the pure water ice; besides which, they were always very limited in their use or application, in consequence of the expensive nature of the materials of which cold or cooling mixtures were formed.

\* By relieving the vessels importing ice to this town, of the various duties to which they were now liable, Government will confer a lasting boon upon all classes of the community of this place.

It is not the higher ranks of Europeans and rich natives alone who use ice; on the contrary, I have been credibly informed, that the greater number of purchasers of the first cargo of ice, were dirgees who crowded to the ice house every afternoon, to provide themselves with a small portion, ere they commenced their seven miles' walk home.

I am, Sir, your most obedt. servt.

S. NARAYAN, Surg. Genl. Hosp.

Calcutta, 2d August, 1837.

No. 4.

There can be no doubt that ice in cerebral and other affections, is one of the most certain remedies we possess: and the only means in some affections, on which we can rely for the prevention of a fatal result.

FREDERICK CORBYN, Garrison Surgeon.

Fort William, August 5th, 1837.

No. 5.

Chowringhee, 1st August, 1837.

SIR,—In reply to your circular of the 20th ultimo, which incessant occupation has hitherto prevented me from attending to, I have no hesitation in stating it as my opinion, that a permanent supply of ice in such a climate as this, would not only be one of the greatest luxuries, but one of the greatest benefits, which could be conferred on a large portion of the population of Calcutta. Where disease in every form is so fearfully rapid in its progress, and so frequently attended with great determination of blood to the head, &c. the advantages of having at all times at command, a remedy of the greatest efficacy in subduing high vascular excitement, need only be mentioned to be duly appreciated.

I might enter much into detail on such a subject, but the expression of an opinion, being all you require, I shall conclude by hoping your committee may succeed in persuading Government to hold out every inducement in their power, to the accomplishment of an object, of so much importance to us all.

Believe me, yours faithfully,

A. GARDNER.

TO L. CLARKE, Esq., &c. &c.

No. 6.

TO L. CLARKE, Esq., Chairman, Ice Committee.

SIR,—With reference to your letter of the 20th ultimo, requesting my opinion as to the importance of the

use of ice in a medical point of view to the community of Calcutta, I beg, in reply, to state, that I consider it of essential benefit in many cases of disease incidental to this climate, especially in fevers and inflammatory affections, and likewise to a large class of invalids, whose digestive organs are in an impaired and debilitated state, arising from effects of climate and other causes, an affection, which, amongst the community, prevails to no small extent.

I am, Sir, your most obedient servant,  
H. S. MARCSE, *Marine Surgeon.*

Calcutta, 14th August, 1837.

No. 7.

To L. CLARKE, Esq., *Chairman, Ice Committee.*

SIR,—In reply to your letter of the 20th ultimo, and its accompanying resolutions, I beg to state, that ice is of the highest utility in the ordinary gastric (commonly called bilious) remittent fever of Bengal. It is also beneficially used in many forms of dyspepsia common to our climate, and, altogether, I think the regular and ample supply of ice a matter of first rate importance to public health.

I have the honor to be, Sir, your most obedient servant,  
Calcutta, August 1, 1837. J. R. MARTIN.

No. 8.

To L. CLARKE, Esq., *Chairman, Ice Committee.*

SIR,—In answer to your letter of the 20th ultimo, I have the honor to submit to you my opinion, "on the great importance of a permanent supply of ice to the public health," for the information of the committee for promoting the importation of American ice.

In all ages cold has been regarded by physicians, as one of the most powerful means of allaying the worst symptoms of inflammatory diseases, and is at present universally used by medical practitioners in all civilized countries.

How invaluable therefore must such a remedy prove in a country like this, (sent to us in its beautifully—congealed form,) with a high temperature of the atmosphere, where inflammatory diseases are so abundant, and assume so formidable an array of alarming symptoms. In the ardent fevers which hourly present themselves in this city, with great determination to the head and other cavities of the body; intense thirst, a burning and dry state of the skin; great restlessness and general uneasiness, with a pulse upwards of 120, the application of iced water is at once a sure means of subduing these symptoms, and affording to the patient the most speedy, grateful, and soothing relief, next to blood-letting, and purgatives. I consider cold effusion to be the next most powerful agent in the cure of fever, and, therefore, a prodigious acquisition to medical practice in this country.

In the diseases of infants, the value of ice is incalculable, especially in dentition, where there is such enormous determination to the head, and which so frequently and rapidly terminate in convulsions and death, there is no means which relieves heat, and distention, by emptying the large vessels of the brain so effectually and so safely, as the application of iced-water to the head, and I can declare, that many parents in this city, owe the existence of their offspring to the judicious use of the invaluable remedy. In that state of debility following acute disease, the patient has been kept alive again, and again, by dipping toasted bread in iced water, when nothing else would remain on the stomach. In the irritable stomach also, which is so frequent and distressing a symptom of acute disease, I have seldom failed to allay it, by giving from time to time, a tea-spoon-full of iced water, the parched mouth and intense thirst

of the cholera patient, has also been relieved by it, of which I have been witness to many instances.

In the long train of diseases to which the delicate female is liable in this country, I can bear ample testimony to the value of ice in these complaints.

Numerous other proofs most convincing and satisfactory, of the efficacy of ice, could be adduced by me; but which I consider, unnecessary after what I have already stated in its favor. In one word, I regard the importation of American ice as one of the greatest blessings bestowed upon the people of this metropolis, both in a medicinal point of view, as well as an article of comfort and luxury.

God bless the ice.

I have the honour to be, Sir, your obedt. servt.

W. CAMERON, *Presidency Surgeon.*

Calcutta, August 1837.

No. 9.

In all cases of febrile excitement, more especially those attended with fixed determination of blood to the head, I look upon the command of a supply of ice, as one of the most valuable and safest of our remedies; it enables us more effectually, than any other application we possess, to reduce, and keep down, the immoderate circulation, and increased nervous irritability which is commonly destructive of life, in cases of fever; to effect which, without it, all our endeavours are in vain, and which it is our most anxious object to effect. As a topical agent, in many ordinary affections, its efficacy is undoubted, and when within our reach, one of which we are always glad to avail ourselves; but it is in fevers, and the acute attacks, common to this climate, that its advantages are most apparent, and Government could in no manner shew its care and regard to the well-being, and protection of its servants and subjects at large, so well, as by affording its most liberal assistance, in promoting the importation of a constant supply of an article, of such active powers, and great value, in the treatment of these diseases, characteristic of, and incidental to, the country.

A. R. JACKSON, *M. D., Offg A. H. C.*

H. C. Dispensary, 11th August, 1837.

No. 10.

Esplanade Row, 24th July, 1837.

SIR,—In answer to your circular of July 20th, wishing my opinion in writing, as to the importance and use of ice in a medical or surgical point of view, I beg to state for the information of the Ice Committee, and the Government, that I consider its use to be truly valuable, and of very great importance, not only in fevers, but in various other disorders, both surgical, and medical, and that there are some cases, in which a substitute for ice cannot be obtained. I have within the last few days had two such cases under my care. I have frequently used ice in this country, and have had many years experience of its utility both in public and private practice in England.

I have the honour to be, Sir, your most obedt. servt.

F. P. STRONG.

To L. CLARKE, Esq., *Chairman, Ice Committee.*

No. 11.

SIR,—In reply to your note relative to the benefits to be derived from ice, as applied to medical purposes, I beg to offer it as my opinion, founded on actual obser-

ation, that ice in fevers and cases of hemorrhage, is of the greatest utility.

I have the honour to be, Sir, your most obdt. servt.,

CHARLES C. EORTON.

Eye Infry. 14th Aug. 1837.

No. 12.

Club-House, July 19, 1837.

MY DEAR SIR,—With reference to our conversation last night about the ice, I am prepared by professional experience to afford my unhesitating testimony, to the powerful agency, which it possesses, when judiciously employed, in alleviating disease, and contributing towards a cure. It would be tedious to enumerate the cases, in which the use of this admirable adjuvant, tends to produce decidedly beneficial effects; but there is one class of disorders, which I cannot help particularizing (at the risk of writing somewhat more technically than I intended) as cases where I have witnessed wonderfully beneficial results, from its discreet use; I allude to infantile fever during dentition, in which there is always determination to the head, sometimes so sudden and to such an extent, as to prove fatal in an incredibly short time, if not promptly arrested, nature endeavours to counteract this result by increased secretion from the bowels, i. e. by spontaneous purging; and the ordinary treatment is to follow up nature's plan by keeping up a free action of the bowels by medicine, many is the little sufferer, however, whom I have seen sink under this indispensable evacuation, who might have been saved if we had possessed the means, which the ice now affords us, of determining powerfully, and at once, from the brain by its application in substance to the head.

Its beneficial effects in such cases, is almost immediate, by unloading the vessels of the brain and thereby enabling you with safety to moderate, or arrest the alvine flux, which is draining away the strength of the babe. It will sometimes stop a convulsion fit, as if by magic; and when one reflects that the cranium of the infant is in its upper part almost as thin and diaphanous as an egg shell, where the several bones are in actual opposition, and that there are several spaces where the membranes covering the brain, and the scalp are only separated by the interposition of a thin membrane, one ceases to be surprised at its immediate effects.

I beg you to excuse my troubling you with such details, but our conversation on the subject was interrupted, and I wish to instance to you how specifically the faculty may furnish grounds for their general recommendation of the efficacy of ice in the cure of disease.

I will only add, that the specific cases which I have adduced might have suggested another claim on the patronage and support of the ladies, at least such as are mothers, or hope to become so, and in these two classes, I presume, may be included a pretty considerable majority of our fair countrywomen at the presidency. I again beg your excuse for the length of my note and remain,

Yours very faithfully,

L. CLARKE, Esq.

G. CRAIGIE.

No. 13.

Calcutta, August 1837.

MY DEAR SIR,—I must beg your forgiveness for my remissness to answer your first letter. In reply to your inquiry of the estimate which my professional experience of its use has induced me to form of ice, as a remedial agent in tropical disease, I am really at a loss

for words to express my sense of its value and importance.

I can only state my opinion comparatively, by saying that in all the acute disease, to which European adults and children are liable, I esteem it as a remedy, only second to the lancet, and I believe that a permanent supply of so invaluable and powerful an agent, would prove a source of benefit to public health, and a means of saving life, not inferior to any single article of pharmacy, which can be named, in the hands of an Indian practitioner.

I remain, my dear Sir, very truly yours,

D. STEWART, M. D.

L. CLARKE, Esq.,  
Secy. to the Ice Committee. }

No. 14.

I am of opinion that ice is most valuable in certain cases of mania, in fever where the brain is affected in hemorrhage, and, especially, in cases of uterine hemorrhage (flooding) in strangulated hernia, &c., and as an article of diet it may have a beneficial tonic effect,—and I consider this grateful addition to other articles of luxury by no means injurious to the constitution.

F. H. BRETT.

Calcutta, 22d July, 1837.

No. 15.

To L. CLARKE, Esq., Secy. Ice Committee,  
&c. &c. &c.

SIR,—I have the honor to acknowledge the receipt of your letter, dated the 20th instant, in which you inform me that the Ice Committee are desirous of learning my opinion, as to the utility of ice in the case of disease.

In reply, I have to state that, in my opinion, the use of ice as a remedial agent, is very important, whether with reference to its immediate application in diseases of congestion, inflammation, and hemorrhage, or to those still more extensive though not so direct benefits, arising from the tonic effects of cold fluids, taken in moderation into the stomach.

I have the honour to be, Sir, your most obdt. servt.

J. T. PEARSON, Assistant Surgeon.

Calcutta, 14th Aug., 1837.

No. 16.

SIR,—In reference to your circular of yesterday, I can with much satisfaction and confidence add my testimony, to the value of "Ice" as a pharmacartical agent, in some of the most important and fatal diseases of Bengal.

As a local application in cases of fever, where determination to the head prevails, and induced, in local inflammation wherever situated, "Ice," constitutes one of the most efficacious antiphlogestic remedies, in conjunction with bleeding, and purgatives, whilst as a source of relief, and luxury to the feverish patient, by affording a naturally cool beverage, which no art can imitate, its advantage cannot fail to be generally admitted, and appreciated.

WALTER RALPH,

1st. Assist. Surg., Genl. Hosp.

Calcutta, July 23, 1837.

No. 17.

L. CLARKE, Esq. *Chairman, Ice Committee,*

&amp;c. &amp;c. &amp;c.

The advantages we have lately enjoyed in Calcutta, by obtaining ice at all seasons of the year, must be obvious to every medical practitioner. For my own part, I regard this article as important in the highest degree as a remedial agent, none have had so much reason to rejoice in the benefits afforded by the use of ice, as the sick whether we consider it, as a comfort beyond all price to the sufferer, or as a powerful aid in promoting the cure of disease.

It is unnecessary to detail the particular instances wherein ice is valuable in medical treatment, but I have no hesitation in saying, that in fever, in various forms of inflammation, in many cases of external injuries, and in the practice of midwifery, there are numerous instances, in which the life of the patient may depend upon the internal administration, or the external application of this substance. In cases of impaired digestive powers also, I believe it to be highly useful, as a stomachic tonic. Indeed, so much do I value it, that apart from every consideration of individual comfort, I consider it to be the duty of every medical practitioner, to use all his endeavours to ensure a never-failing supply of ice in this city.

H. H. GOODEVE, M. D.

*Professor of Anatomy and Medicine, Medical College.*  
Calcutta, July 20, 1837.

No. 18.

*Medical College, Calcutta, 8th August, 1837.*

SIR,—In reply to your circular of the 6th instant, I have much pleasure in expressing my conviction, that the successful importation of ice, and its constant preservation in Calcutta, place within the reach of the humblest member of the community, a remedy of the highest efficacy in the treatment of many varieties of tropical disease. Considering ice solely as a medical substance, I would deem all the subscriptions we have made and all the support you now seek to encourage the importation, as well and cheaply bestowed.

Yours sincerely,

W. B. O'SHAUGHNESSY.

L. CLARKE, Esq.; *Chairman, Ice Committee.*

No. 19.

*Calcutta, 28th August, 1837.*

SIR,—I beg to apologize for having so long delayed answering your circular of the 20th July, and your note of the 13th instant, on the subject of ice, and its importance to the public health. This arose in the first instance, from my considering myself unconnected with, and unknown to, the inhabitants of Calcutta, and that my opinion consequently, could not be regarded by them as of the slightest importance, and since the receipt of your last note, I have been much occupied.

There can be no doubt, that ice is an article which contributes largely to the enjoyment and the health of those, who can afford to purchase it, and, were it cheap enough, and procurable at all times, it might be turned to various uses in medical practice. But at the same time I must express my opinion, that the committee have not taken up the true ground for soliciting the bounty of Government on this occasion, the real importance of ice is, as an article of luxury, during health,

much more than as a means of cure either in fever or any other disease.

I am, Sir, your obedient servant,

Wm. BELL, Surgeon, H. M. 26th Regt.

To L. CLARKE, Esq., &amp;c. &amp;c. Esplanade Row.

No. 20.

*Calcutta, 24th July, 1837.*

SIR,—I have the honour to acknowledge the receipt of your letter of the date of the 20th instant, requesting my opinion on the subject of the importance of ice to the public health, and more especially in cases of fever so incidental to this climate.

I have now the pleasure to communicate through you, for the information of the committee, that I regard ice as subordinate to no other agent, in the prevention or treatment of disease, and as a remedy in controlling fever, in its various applications, the power of which is second only, if, under some circumstances, it be not even superior, to that of the lancet; a remedy which can never supersede the lancet, nor dispense with it, but which, when added to it, forms by the combination a treatment so powerful and efficacious, that it will render death from the acutest cerebral inflammation, as rare, as recovery is at present. Employed as a remedy (known by the name of the ice cold dash) there is no degree of burning heat which the animal economy is capable of producing, no intensity of vascular action, and no violence of pain, that can resist its continued application. The cold evaporating lotions, which were in former days applied to the head, proved useful in mild cases, but to hope to control the more formidable cases of the fever of Bengal, by their aid alone, is to expect to coerce a giant by twisting around his arms a spiders thread, the impression which the one makes upon the brain, compared with the effect produced by this remedy, may be said to be, what the application of six leeches to the temples, is to the abstraction of thirty ounces of blood.

With the earnest hope that Government may be induced to listen favourably to the appeal of the committee, and thereby secure to the inhabitants of this city so powerful and so blessed a remedy in the hour of sickness.

I have the honour to be, Sir, your faithful and obdt. servt.

WILLIAM GRAHAM, M. D.

No. 21.

There are few in this country who will not concur in the opinion, that the importation of ice is a valuable auxiliary to the comfort of an Indian life. But if we completely lay aside the notion of its forming a part of the luxuries of the East, we shall find numerous reasons to hail its introduction as highly subservient to the preservation of health.

I will not take up your time by referring to any theoretical opinions on the subject, but will merely adduce a few instances in which my personal experience, can bear testimony to its salutary effects. I have found it essentially useful in cases of *dyspepsia*, which is a very prevailing disease in this climate, and a slight acquaintance with its tonic powers will sufficiently elucidate the cause.

I have likewise proved its beneficial effects, in cases of *retention of the placenta*, when all other remedies have failed, though administered to the utmost extent, and in the following cases of *hemorrhagia uterina*, I have used it with great success, viz. *Narcium* or bleeding at the nose, *hemostysis* or spitting of blood, *uterine* or *uterine hemorrhage*, in certain cases of fever too, its powerful aid has frequently been proved especially during the hot season of the year when an inevitable

exposure to the heat of the sun, frequently produces considerable derangement of the brain.

I have no doubt that the experience of every individual, will tend to corroborate the opinion, that the addition of ice to the luxuries of our table, ought to be considered equally desirable in a medical point of view.

J. Maxton, Surgeon.

Calcutta, July 29, 1837.

No. 22.

Calcutta, August 1837.

To the Chairman of the Ice Committee.

SIR,—In reply to your letter of the Calcutta Ice Committee, in which you requested my opinion of the

utility of ice in the treatment of some of the diseases of India, I beg to state that I consider it one of the most valuable auxiliaries, the medical man has at his command, for the alleviation of suffering, and cure of the most dangerous diseases of this country. In fact I look upon it, as one of the greatest blessings we possess, and I have reason, I think, to consider it as such, since to ice, I feel I am indebted for the restoration to health, from nearly fatal illness, of one of my nearest and dearest relatives.

I remain, yours very truly,

R. O'SHAUGHNESSY.

Hurkaru, June 12.]

## BANK OF INDIA.

CALCUTTA, JUNE 11, 1838.

At a meeting of the provisional committee of the Bank of India, held this day, it was resolved, to recommend that the bank be opened on the 1st of January; and that a meeting of the subscribers on the 15th September, be convened for the purpose of considering that recommendation, and for fixing a day for payment of the first instalment; the committee expecting to receive before the last mentioned date, communications from England, respecting the co-operation of parties in that country interested in the formation of a new India Bank.

It was also resolved, that the honourary secretary do address Messrs. Kearsay, Hughes and Thomas, of London, authorizing them to register applications for shares, provided that the parties making such applications shall not be considered to be proprietors, unless the instalments on their shares shall be paid in Calcutta, within six months, after notice in England of the same having been called for in India.

JOHN BOYLE, Hon. Sec.

Hurkaru, June 13.]

## MEDICAL AND PHYSICAL SOCIETY.

Proceedings of a meeting of the medical and physical Society of Calcutta, held at the Asiatic Society's apartments, on the 2d of June, 1838.

Letters from the following gentlemen were read :

From J. Graham, Esq., assistant surgeon, and Johnstone, Esq., surgeon, requesting to withdraw from the Society.

From Mr. Bouchez, requesting to be appointed librarian to the Society, stating, that he had for some months past acted in that capacity. This request was referred to the committee of management.

From H. T. Prinsep, Esq., secretary to the Government of Bengal, forwarding a copy of Copland Hutchinson's "Practical observations on Surgery," which was presented to the Society's library by the Hon'ble Court of Directors.

J. G. Vos, Esq., M. D., was proposed as a member of the Society by Dr. O'Shaughnessy, seconded by Dr. McClelland.

The following communications were then presented :

1st. A case of lithotomy terminating fatally on the 5th day after operating, with remarks on the causes of failure in extracting large calculi, by Dr. D. Stewart, M. D.

2d. Illustrations of the poisonous effects of the external application of arsenic, and its employment in some of the manufactures of Bengal, by the same gentleman.

3d. A case in which a bony deposit was found adhering to the falx cerebri, by T. B. Colledge, Esq., surgeon, Macao.

4th. An interesting case of placental presentation, also by Mr. Colledge.

These two cases were presented by Dr. D. Stewart, on behalf of Mr. Colledge.

5th. A report upon cholera, which prevailed in the 3d troop, 1st brigade, horse artillery, by W. McGregor, Esq., M. D.

6th. Two cases of traumatic tetanus, successfully treated by tartar emetic, by Dr. Bowron.

7th. Dr. Goodeve read an extract from a letter he had lately received from Mr. Cumberland, of Pooree, containing an account of a hot spring at Khoordab, in that district. The temperature of this spring, varied from 112° to 128° of fahrenheit, when the water in a neighbouring tank stood at 64°, the air being 56°. The water appears to be impregnated with sulphureted hydrogen. Mr. Cumberland sent a specimen of fish, several of which were swimming in the spring, where the thermometer stood at 112°. These fishes died when they came in contact with the water at 128°.

8th. Mr. R. O'Shaughnessy, presented a magnificent and unusually large specimen of calculi which he had removed from the urethra of a native.

A long discussion upon various topics followed, chiefly upon matters connected with the obstetric art in connexion with Mr. Colledge's second paper.

H. H. GOODEVE, M. D.

Sec. Med. and Phy. Society.

Hurkaru, June 13.]



## BATHING IN THE ACQUEDUCTS.

TO THE REV. T. BOAZ,  
And other subscribers of the petition on the subject  
of natives bathing at the aqueducts.

GENTLEMEN,—I have the pleasure to send copy of  
the reply from Government to my letter forwarding  
your petition on the subject of natives bathing on or  
near the aqueducts.

I am, &c.,

(Signed) D. McFARLAIN.

Calcutta Police Office, June 12, 1838.

TO D. McFARLAIN, Esq.,

Chief Magistrate of Calcutta.

Judicial Department.

SIR,—I am directed to acknowledge the receipt of  
your letter dated the 12th ultimo, with its enclosures  
and to acquaint you in reply, that the Deputy-Governor  
does not think it necessary to pass any order on the sub-  
ject to which it refers.

His honour, however, desires me to convey to you his  
opinion that whilst unusually indecent exposure of the  
person should be prohibited, it would be objectionable to  
prevent natives from resorting to the aqueducts for the  
purposes of bathing when clothed to the extent cus-  
tomary with them on such an occasion.

I am, &c.,

(Signed) FRED. J. HALLIDAY,

Secretary to the Government of Bengal.

Fort William, June 5, 1838.

## AGRICULTURAL SOCIETY OF INDIA.

A general meeting of this society was held at the Town-  
hall on Wednesday, the 13th June, 1838.

PRESENT.—The Hon'ble Sir E. Ryan, President, in  
the chair.

Dr. Wallich, v. p.; Dr. Spry; Col. McLeod;  
Messrs. W. Storm; C. K. Robison, v. p.; J. Guild-  
ing; R. Watson; A. Grant; A. Colvin; W. Ainslie;  
W. Earle; Jos. Willis; G. A. Prinsep; E. Preston;  
F. T. Fergusson; W. F. Fergusson; A. Porteus;  
Thomas Bracken; M. B. Stauton; W. K. Ewart; C.  
Dearie; Dwarkanath Tagore; Ramcomul Sen; R.  
Walker; C. A. Dyce; D. Hare; J. Allan; W. Mac-  
kenzie; H. Cowie; D. W. H. Speed; G. T. F. Speed;  
J. W. Masters; A. McArthur; Thomas Leach, and  
John Bell, secretary.

The proceedings of last meeting were read and con-  
firmed. After an alteration had been made by the  
President, on Dr. Spry's suggestion, viz.

In motion No. 1, of last meeting, for the words "Dr.  
Spry, moved as an amendment," read "Mr. G. A.  
Prinsep, moved as an amendment."

The following gentlemen proposed at the May meet-  
ing were duly elected members of this Society, viz.

Captain H. Macfarquhar, Dr. Jas. Hutchinson, Thos.  
Lane, E. Mackintosh, G. T. Cockburn, E. G. Mackin-  
tosh, C. S. F. Kirtchhoffer, C. M. Hunter and G. Aus-  
tin, Esquires, Rajah, Narsingchunder Roy, and Baboo  
Keanut Singh.

The following gentlemen were proposed as members,  
viz.

Major H. Cox, 58th regiment, N. I., proposed by  
Dr. Wallich and seconded by the secretary.

Henry Freeth, Esq., assistant surgeon, Nowgong,  
proposed by Captain Jenkins, and seconded by the Se-  
cretary.

H. J. Leighton, and Colin Campbell, Esqs., propos-  
ed by W. F. Fergusson, Esq., and seconded by the  
Secretary.

Brigadier General Sir Thomas Anbury, K.C.B.,  
proposed by F. T. Fergusson and seconded by the Se-  
cretary.

W. R. Logan, Esq., Mymensing, and Baboo Peary  
Mohua Day, proposed by D. Hare, Esq., and seconded  
by A. Grant, Esq., and Dewan Ramcomul Sen.

W. F. Dawson, Esq., proposed by John Allan, Esq.  
and seconded by W. Storm, Esq.

Major J. D. Parson, D. C. O., proposed by the se-  
cretary, and seconded by Dr. Wallich.

Col. L. R. Stacy, 32d N. I., proposed by the secre-  
tary, seconded by Dr. Wallich.

Motions of which notice was given at last meeting.  
Motion No. 1, by the secretary seconded by Dr.  
Strong, was brought forward and carried, *nem con.*

Motion No. 2, by C. K. Robison, Esq., seconded by W.  
Storm, Esq., was next brought forward and carried *nem con.*

## Notice of motion.

Proposed by G. A. Prinsep, Esq., seconded by C. K.  
Robison, Esq. "that the sum of 500 rupees be appro-  
priated for procuring cotton-seed of every variety in  
estimation from South America, and that a correspon-  
dence be opened with Rio Janeiro, for the purpose of  
obtaining it."

## Reports.

The President drew the attention of the meeting to  
the subject matter of motion No. 1, of April meeting  
which was brought forward at the last meeting, and  
carried by an amendment on the original motion, being  
at the same time referred to the general committee, for  
consideration. He (the President) would read the re-  
port of that committee, drawn up at a meeting held on  
the 9th instant, as follows:

"The committee having given the subject of refer-  
ence to them their best consideration, are of opinion that  
upon the account of the state of the funds laid before  
them by the Secretary, the means of the society at pre-  
sent are inadequate to admit of its offering any sufficient  
rewards, for the four practical treatises on cereal grain,  
sugar, silk, and cotton; and the committee have there-  
fore abstained from entering into any further detail,  
conceiving that the general operations of the society  
will be endangered if the present ascertained surplus be  
applied to these purposes."

(Signed) E. RYAN.

" C. K. ROBISON.

" F. P. STRONG.

" W. STORM.

" D. HARE.

" JOS. WILLIS.

" JOHN BELL.

Proposed by G. A. Prinsep, Esq., seconded by W.  
Earle, that the above report be confirmed. Carried  
*nem con.*

The President read the report of the silk committee, on three samples of yellow and white raw silk, sent in for competition, with reference to the prizes offered by a resolution passed at a general meeting of the society held on the 12th April, 1837.

The Committee are of opinion that the samples submitted by Mr. W. G. Rose, of Ramnaghar factory, near Coolbariah, are the best and entitle that gentleman to the society's gold medal.

That the sample of yellow silk sent in by Mr. Lay, superintendent of Mr. Larruletta's filatures at Jungypoor, is the second best, and entitles that gentleman to the society's silver medal.

Moved by C. K. Robison, Esq., seconded by the Secretary, that the silk committee's report be confirmed: carried.

The President also read the sugar committee's report on a sample of sugar submitted by Mr. Blake of Dhoba, who was the only competitor for the prizes awardable under the same resolution as those for silk.

"The committee are of opinion that the sample before them, does not come within the meaning of the Society's intention, as expressed in the printed conditions, the sugar in question having been made from *goor* by a double process, and not by a single boiling, as practised in the West Indies, &c.

The committee recommended that the premiums shall be open to competition till the 1st May, 1839, and that a specific advertisement be published and transmitted to all known cultivators.

Moved by C. K. Robison, Esq., seconded by G. T. F. Speed, Esq., that the committee's report be confirmed: carried.

The following communications were submitted to the notice of the meeting:

From H. Piddington, Esq., dated May 10, enclosing copy of a letter written by him to Col. James Young, in February, 1831, on the subject of *cake cochineal*, prepared from the *Sylvestre* insect.

From J. Guilding, Esq. dated May 23, forwarding a sample of *cake cochineal*, made by him from *Sylvestre* insect, abounding in *Midnapore*, and asking for an opinion upon its quality, &c.

From Professor O'Shaughnessy, dated May 31, giving his opinion on the cochineal paste prepared by Mr. Guilding. Having submitted it to chemical test, the Professor speaks in very favorable terms of this dye. "This I think completes the proof that between the *finis* and *Sylvestre* insects there exists at least no chemical difference." The conclusion at which Mr. Piddington and Professor O'Shaughnessy arrive are very similar, the only difficulty appearing to be in obtaining a complete absorption of all moisture from the paste, immediately after the process of manufacture.

(Referred to the cochineal committee.)

From Major W. H. Sleeman, dated Jubbulpore, May 7, conveying much interesting information on the mode of cultivating the lac insect.

(Referred to the committee of papers.)

From the Revd. C. E. Driberg, dated May 9, annexing a paper on the "culture of the cocoanut tree in Ceylon," received from a friend in that island.

(Referred to the committee of papers.)

From Col. Dunlap, a parcel containing varieties of hill forest trees, referred to in his letter to the Secretary, on the 25th March.

From G. H. Smith, Esq. dated Delhi, May 8, promising to forward, shortly samples of cotton of the first and second year's crops, raised from Upland Georgia seed.

Gives a favorable account of an experimental plantation of Otahete sugar cane in Deyrah Dhoon.

From the same, dated May 18, forwarding for the opinion of the committee, samples of Upland Georgia and Sea Island cotton, the produce of his garden at that station, as alluded to in his former letter of the 8th.

From R. Lowther, Esq., dated Allahabad, May 20 advising despatch of two cases containing samples of the produce of four varieties of cotton-seed forwarded by the society for distribution in that and the neighbouring districts.

Enclosing a memo. received from Mr. Lambert regarding these samples.

From Dr. Huffleagle, dated May 30, forwarding a bale of cotton, being a portion of the second crop produced from 400 plants grown at Cossipore, raised from Upland Georgia seed imported by the society in 1836.

Suggesting that the bale of cotton be sent to England for a competent opinion as to quality. Forwarding also two bottles of oil pressed from the seed of this cotton.

From T. O. Crane, Esq., Secretary Agricultural Society of Singapore, dated May 11, acknowledging receipt of Secretary's letter of the 17th March, together with the Seychelles' cotton-seed, and transactions of the Society vol. 5.

Enclosing a small sample and a few seeds of a description of cotton resembling Sea Island.

From Major Syers, Secy. to the Agricultural Society of Cuttack, presenting samples of Upland Georgia cotton and Virginia Tobacco, grown on that district from seed received from the society referred to in his letter of the 4th May.

Notes.—All these samples of cotton ordered to be referred to committee for reports.

From Mr. A. Harris, dated 24th May, forwarding three cuttings of cane (variety unknown, but resembling the China cane) together with a large cane, retained from the small stock.

Mr. Harris states, that the original cuttings from which these three average canes were produced, did not exceed the thickness of a common ratan, shewing a vast improvement on the plant canes; but the most extraordinary improvement is upon the *ratoon*, which is nearly four times the thickness of the plant or parent stock,—a fact which is at variance with the course of ratooning in general, since ratoons are invariably smaller, and can only be accounted for, in the extraordinary fertility of the Sunderbund soil, and holds out fair prospect of ultimate remuneration to those grantees who are now laboring to convert a rank pestilential morass, into a highly cultivated sugar country.

A full length sugar cane was submitted, said to be produced in the Island of Ceylon by Mr. Henly, from Mauritius plant,—of four months' growth.

From A. Harris, Esq., dated May 28, offering a few remarks on a trial made with a plough recently received by the society, made at the Porto Novo foundry from an American model.

From Major J. A. Moore, dated Hyderabad, May 18, advising despatch of three apples of the nonpareil species, grown in a friend's garden a few miles from the station.

From Colonel Stacy, dated Dacca, May 20, forwarding a bag containing the roots of a plant, common in that part of the country, called "*Suth Moolas*," or the sixty radishes, also a few bags of a climber termed "*Tielh Gulah*."

From Captain Cautley, dated Scharanpore, May 11th, advising the despatch of a quantity of *banamutti* seed rice, which he presents to the society.

From Dr. W. Montgomerie, dated Singapore, April 23, acknowledging the receipt of Secretary's letter of the 17th March, intimating a resolution of the Society for awarding him a silver medal.

In reply Dr. Montgomerie returns his best thanks to the society for this mark of its approbation, but regrets that "circumstances should render it necessary to decline the intended honor."

From Signor G. Mutti, dated Kootroor Bagh, Poona, 7th May, acknowledging receipt of Secretary's letter of April 15, and returns his best thanks to the society for the resolution therein conveyed of awarding him the society's gold medal.

Promises to afford further information to the Society on the cultivation of the standard mulberry trees, &c.

From Major Parsons, dated Cawnpore, May 4, acknowledging receipt of Secretary's letter intimating despatch of cotton seed.

Mentions having raised a quantity of fine Guinea grass from seed forwarded by the Society in 1836.

From Major Gawtkin, dated Coel, May 2, acknowledges receipt of cattle committee's pamphlet, but regrets his inability to give any information on the subject in question.

Advise despatch of sample of four growing of oats, and promises to send seed of the "*Prangoo*" if successful in raising plants from a few seeds lately received.

States that the Guinea grass seed has vegetated, and alludes to trials made with the French oat seed, and Italian rix-grass seed received from the society.

From Captain Jenkins, dated Gowhatti, May 13, advising despatch of two parcels of fresh Fria cocoons.

From W. Prinsep, Esq., dated May 19, reporting on musters of raw silk forwarded by the committee for his opinion as to the market price.

From James Anderson, Esq., M. D., secretary to the Agricultural Society of Beerbhoom, dated June 5, giving cover to a copy of the proceedings of a late meeting of the Branch Society and calling the attention of the parent institution to a few of the resolutions contained therein, viz. for the supply of sugar-cane, fruit trees, seeds, &c. Encloses also a copy of the proceedings of their society since its formation up to the present time.

From W. Rushton, Esq., dated May 12, offering to print the transactions of the Society on the same terms as the Bishop's College or Baptist Mission-Press.

*Memo.*—The question had been settled before the receipt of Mr. Rushton's letter, and the 6th volume is now printing at the Baptist Mission Press.

The Madras Journal of Literature and Science from January, 1837, to March 1238, 5 numbers, has been received through Messrs Thacker and Co.

From Captain F. Jenkins, dated Gowhatti, May 31, intimating his intention of forwarding by a different mode to that hitherto pursued, which has proved unsuccessful, some eggs of the Fria worm to try if by this means they can be received in a living state.

From James Anderson, Esq., M. D., secretary Agricultural Society, Beerbhoom, forwarding the samples of cotton alluded to in his letter of the 5th instant.

From Miss Peacock, a pod of a large species of tamarind the produce of Mhow.

Dr. Wallich stated, that it was not a tamarind, but the *adansonia digitata* or boobab of the West Coast of Africa.

From Dr. Wallich, dated June 13, annexing extract of a letter from Mrs. Captain Milner, presenting a basket of beautiful and perfect bunches of purple and white grapes, with some interesting details as to the mode adopted by that lady in treating the vines. Proposed by the president, seconded by the meeting, that the special thanks of the society be offered to Mrs. Milner, for her highly interesting and beautiful present, which clearly proves that nothing but taste and attention is wanting, to secure as fine grapes and as plentiful *in and about Calcutta*, as in the finest vine countries.

*Memo.*—The Secretary had also received within the last week, a splendid bunch of grapes from Col. James Young, the produce of the vine planted by C.K. Robinson, Esq., in the Union Bank compound, and a bunch from Mrs. Smith, the produce of her garden in Short's Bazar. If every householder in Calcutta would plant but two vines, he would secure at once a cool retreat, and delicious fruit by simply planting cuttings in a soorkey corner.

Mr. George Prinsep presented a fine specimen of cotton grown from *Peruvian* seed, valued by Mr. Hill at fifty per cent. more than Surat. It has the advantage of black seed which are easily detached.

Mr. Masters presented a fine graft of the *Ficus Elastica*, of 48 day growth, 10 feet in length and 6 inches in circumference.

Mr. G. T. F. Speed presented a specimen of hemp grown from the purple *Hibiscus*, grown at Patna.

The thanks of the meeting were ordered to be given for all the above communications and presentations.

JOHN BELL, Secretary.

Town-hall, Calcutta, 13th June, 1838.

[Hurkaru, June 14.]

## DARJELING.

CALCUTTA, TOWN HALL, 15TH JUNE, 1838.

*At a meeting held this-day, J. W. Grant, Esq. in the chair, the following report, drawn up by two gentlemen, to whom the public are greatly indebted, was read to a rather numerous and most respectable assemblage.*

The present meeting has been called by a few of the applicants for sites, with the view of promoting such measures, as may be likely to insure comfortable accommodation to all parties, who propose to visit the station. It is, perhaps, scarcely necessary to inform the

meeting, that unless active steps are now taken, another year will be lost to the community. Many parties are anxious to build bungalows, and expressed their determination to do so; but the difficulty of procuring builders to direct and superintend these operations, has been already experienced by the whole of them.

Under these circumstances, the idea of starting a hotel on the scheme of a tonine has been suggested, as likely to induce respectable builders to undertake its erection, while, at the same time, the opportunity thus afforded to settlers of procuring competent persons to enter into contracts, &c., would no doubt be taken

advantage of by many, who from want of time and other causes could otherwise do nothing.

A plan of a hotel has been prepared by Messrs. Burn and Co., which Mr. Spence approves of; and as he agrees to open it on much the same footing as the one conducted by him here, the question now remains to be considered, "whether or not an adequate sum for its erection is likely to be raised? Messrs. B. and Co. are not at present prepared to give an estimate or enter into a contract; but from the abundance of materials on the spot, they are disposed to think, the expense of such a building at Darjeling would be considerably less than in Calcutta. The scheme of the proposed tontine has been kindly drawn out by Mr. Curnin, and along with the plan, both are now submitted for consideration.

Doubts have been expressed by some persons as to the probability of a hotel succeeding at Darjeling, and the Mussoorie one is quoted as being nearly a failure. Without enquiry here into the accuracy of this assertion, it appears to us, that the circumstances are totally different. The Mussoorie hotel was started after the number of bungalows built exceeded the demand for them. At Darjeling there is not a hut at present available. No doubt it may be argued that the hotel is not likely to be patronised after parties have built their own bungalows; but the answer here again is, that the cases are not parallel; and whatever number of bungalows are built at Darjeling, it may be fairly presumed, there will always be a sufficient influx of Bengal visitors, who, from various causes, would prefer a residence at the hotel, to the trouble and expense of building houses for themselves.

Most persons present are aware, that measures are now in progress for the construction of a public road, and four staging bungalows. These undertakings will probably be completed against February next. There are other matters of importance to the settlers. Such as arranging for a proper dak line; managing the details connected with these bungalows; fixing on a European of respectability near Titalay, who would keep a store there and at the station, and act likewise as an agent in procuring bullocks, &c. &c. These objects must be attended to by the committee to be now appointed. It may be satisfactory, however, to the meeting to learn, that a statement regarding the alteration of the dak line has been already submitted to the proper authorities, (with every prospect of success,) which, if adopted, will enable a traveller to lay dak from Calcutta at once to the second bungalow at Punkabane, 1,500 feet above the sea level, and where he may arrive with ease on the fourth evening.

With these observations this report may be concluded. The subject in all its bearings is now before the community at large; and whatever difference of opinion there may be, as to the means proposed, discussion cannot fail to promote the speedy establishment of an object, conducive alike to the health and recreation, of a great proportion of the Europeans in the Bengal presidency.

HENRY M. LOW.  
WM. BRUCE.

Calcutta, 15th June, 1838.

It was then proposed by Captain W. N. Forbes, and seconded by Mr. W. Storm,

Resolution 1st.—That the report be approved of.—*Carried unanimously.*

Proposed by Mr. C. K. Robison, and seconded by Captain Forbes,

Resolution 2d.—That the scheme of the tontine be approved of.

An amendment was, however, proposed by Dr. O'Shaughnessy, seconded by Mr. Patrick, and carried, that instead of a tontine scheme, the necessary funds be raised by proprietary shares of 250 rupees each.

Proposed by Mr. Samuel Smith, seconded by Mr. Dearie,

Resolution 3d.—That a committee be appointed for the purposes stated in the report; with instructions to call a meeting of subscribers, when it shall appear that a sufficient number of shares are subscribed.

This resolution being carried *nem. con.*, it was moved by Mr. R. Stewart and seconded by Captain Forbes,

Resolution 4th.—That the committee do consist of the following gentlemen, viz. Messrs. J. W. Grant, C. K. Robison, J. Curnin, Samuel Smith, W. Patrick, Theo. Dickens, H. V. Bayley, Major Garstin, Capt. Bruce, Lieut. Gilmore, H. M. Low, W. F. Fergusson, G. G. Macpherson, Dwarkanauth Tagore, and Pronocoomar Tagore, with power to add to their number.

Proposed by Mr. C. K. Robison, and seconded by Captain Forbes,

Resolution 5th.—That Mr. H. M. Low be requested to act as honorary secretary. *Carried nem. con.*

Proposed by Captain Forbes and seconded by Mr. W. Storm.

Resolution 6th.—That the committee be authorized to incur any necessary expenses in circulating books, &c., for which expense the subscribers shall be responsible.

Proposed by Mr. W. Prinsep, seconded by Captain Forbes,

Resolution 7th.—That the committee be requested and authorized to place themselves in communication with Government on all subjects connected with the Sanatorium, and particularly to endeavour to have the road now in progress, converted into a good carriage road.

Proposed by Mr. H. M. Low and seconded by Mr. C. K. Robison,

Resolution 8th.—That the thanks of the meeting be given to Mr. Curnin, for the trouble he has taken in preparing the plan of a tontine.

Resolution 9th.—That the thanks of the meeting be given to the chairman.—*Hutkaru, June 16.*

## MRS. CHESTER'S FAREWELL DRAMATIC CONCERT.

On Tuesday evening, we attended the above performance at the Town-hall, and considering the circumstances under which it had been got up, we were agreeably surprised to find it so well attended. There could not have been less than twelve hundred rupees in the room.

Mrs. Chester welcomed with hearty congratulations, which, doubtless, stimulated her to do her utmost to please her audience; for she acquitted herself much to their satisfaction.

Mrs. Valadares warbled through passages of considerable length, with great rapidity and delicacy of tone.

O'Mauley was quite at home: his comic song of "St. Patrick was a gentleman," was very good, and more so his Duett with Mrs. Chester; "When a little farm we kept." He has good taste in his singing, as all the world knows from Dublin to Calcutta, and is an excellent comic actor.

Mr. Linton was in good voice: he sang, "Oh maiden fair," with Mrs. Chester in very beautiful style; but we think he was not quite so successful in "The Mid-

night review." We are aware that it is a very difficult piece, and we have seen Phillips fail in it.

*Jem Crow* and "The Lover's Mistake" certainly were mistakes, and we would recommend Colonel Free-love to save the prompter a great deal of trouble, and himself too, by learning his part better the next time he undertakes one.

Mr. Rykmann, senior, on the *Basso Bassoon*, was beautiful. His son, through indisposition was unable to attend.—*Hurkaru, June 21.*

## R. D. MANGLES, Esq.

R. D. Mangles, Esq. who has been appointed to officiate as a member of the Sudder Board of revenue, in the room of Mr. Walters, who has proceeded to sea for the benefit of his health, took his oaths and seat at

the board on Tuesday last, the 19th instant, it being the first board day, at which he has attended ever since his appointment as a member of it.—*Hurkaru, June 26.*

## THE DARJELING MEETING.

*A meeting was held at the Town-hall, this morning, Friday the 29th June inst.*

### PRESENT.

Messrs. J. W. Grant, J. Abbot, S. Smith, W. Patrick, J. Cummin, C. Dearie, W. Bruce, W. Storm, A. Grant, D. McPherson, M. Dugal, C. K. Robison, J. Spence, Davidson, J. H. Stocqueler, Gray, W. Jackson, R. Evans, R. Walker, Captain Harrington, A. H. Sim, G. Prinsep, Willis, Earle, Barwell, and H. M. Low.

The secretary read the following report from the committee:

### THE COMMITTEE'S REPORT.

By the 3d resolution passed at the public meeting of the 15th instant, your committee was directed to call a meeting of shareholders so soon as it appeared a sufficient number of shares had been subscribed for. Upwards of ninety having been taken on the 22d, your committee felt justified in calling the present meeting, and they have now to report the number of shares subscribed for as 105.

It will be in the recollection of the meeting that two plans for the proposed hotel were produced on the 15th instant; and that neither of them were approved of. Your committee at their first meeting, came to the same conclusion, viz. that there were objections to both; and Major Garstin having kindly undertaken to make a new plan, it was accordingly submitted for consideration at a meeting of the committee on the 22d. At this meeting too, another plan by Messrs. Burn and Co. was laid on the table.

Your committee do not feel authorized to recommend either for adoption. They approved generally of Major Garstin's, as from the explanations given by him, it seems to combine comfort with economy. But before adopting a plan at all, it is evident that some reference must be made to the amount of funds subscribed for, as well as to the opinions and wishes of the tenant who is to occupy the premises. Another consideration is impossibility of finishing a building on the scale contemplated so early as March next. Your committee, therefore, are decidedly of opinion, that a temporary building should be erected at a moderate expense; and, though at first this recommendation may almost have the appearance of throwing away money, they are satisfied the result would prove a saving. Ample time would thus be given for practically ascertaining the value of materials, cost of labour, &c. &c. and in afterwards effecting

a contract for the more durable building, the Company would no doubt have the benefit of a competition, which at present cannot be expected. On the whole then, after giving the subject their best attention, your committee would recommend;

1st. That authority be given to levy the subscription forthwith;

2d. That a sub-committee of three be named for the above purpose, and with power to carry through the necessary arrangements for vesting the property in their names, as trustees for the company;

3d. That the committee be directed to make arrangements for the erection of a temporary building at an expense not exceeding Rs. 6,000, and at the same time to secure a respectable tenant for opening it as a hotel. In conclusion, your committee have to observe, that though active operation cannot be commenced on the spot, before the month of October, still it is very necessary that certain measures should be in progress here, with as little delay as possible. That some difficulties exist is unquestionable, but if resolutions are passed to the effect recommended, your committee feel confident, these difficulties will soon be surmounted, and that the sanatorium of Darjeling will thereby be established on a permanent footing, by next hot-season.—J. W. GRANT, Chairman.

### RESOLUTIONS.

1st. Moved by Mr. Abbot, and seconded by Mr. Stocqueler, that the report now read be approved, and that the meeting do authorize the committee to carry through the whole measure recommended. Carried *nem. con.*

2d. Moved by Mr. Smith, and seconded by Mr. Dearie—That Messrs. J. W. Grant, W. Patrick, and Dwarkanauth Tagore, be the trustees for the company with the powers recommended. Carried *nem. con.*

3d. Moved by Captain Harrington, and seconded by Mr. George Prinsep—That at present a temporary building is alone in contemplation, it will be sufficient at first to raise Rs. 100 per share. Carried *nem. con.*

4th Moved by Captain Harrington, and seconded by Mr. Bruce,—That the committee be authorized to apply Rs. 200, in aid of the bungalow subscription.—Carried *nem. con.*

5th. Thanks to the chairman, moved by Mr. Patrick, and carried by acclamation.

## LANDHOLDERS' SOCIETY.

*Proceedings of a meeting of the committee held at the Society's office, No. 3, Clive-street ghaut, on Monday the 25th instant.*

## PRESENT.

Rajah Kallykissen Bahadoor; Rajah Rajnarsin Roy Bahadoor; Rajah Burrolacant Roy; Cowar Suttchurn Ghosaul; Baboo Dwarkanauth Tagore; Baboo Prosonocommar Tagore; Baboo Ramcomul Sen; G. A. Prinsep, Esq.; G. Vint, Esq.; W. C. Hurry, Esq., and W. F. Fergusson, committee.

Baboo Shreemonthloll Khaw, member.

The gentlemen proposed at the last meeting as members of the Society were unanimously elected.

The following gentleman was proposed as a member: Proposed by G. Vint, Esq. and seconded by Baboo Dwarkanauth Tagore—W. Bruce, Esq.

The stamp duty now levied on the kobooleats and security bond of the gomastahs and other moffussil servants, was mentioned by Baboo Dwarkanauth Tagore

as a grievance, and he proposed that a respectful application be made to the board of customs, salt and opium, pointing out the grievances sustained by landholders, particularly in consequence of a new order of the board, that the security taken from any gomastahs or other servants should be on a distinct stamp, by which the amount previously required is doubled to 16 (on salaries of 3 to 5) rupees per month. That, as all leases and kabooleats between zemindars and ryots are exempted from all stamps, it appears, that persons who are employed in collecting the rents from the above lessees, ought on the same principle, either to be exempted, or at least put on a lower stamp. This was seconded by Rajah Kallykissen Bahadoor, and carried unanimously.

Resolved, that a circular letter, inviting new members to the Society be lithographed for distribution.

W. COBB HURRY,

PROSONOCOMMAR TAGORE,

Honorary Secretaries.

Hurkaru, June 30.]

## A CASE OF VIOLENCE.

The following has just reached us from a correspondent and we publish it without comment :

"A firm in your city, having some causes of discontent with a gentleman, with whom they were in partnership in a sugar concern, contrived first to have him arrested upon a partnership balance sworn to, it is said, as a private account! The arrest was illegal, being performed by bursting open his door, at nine o'clock at night! to the unspeakable terror of his family.

Having got the managing partner out of the way, their next step was to demand possession of the factory, which the assistants, acting by orders of their principal, refused to give, and, in two or three days, boats with about thirty EUROPEAN SAILORS, and forty burkandauzes, were brought up from Calcutta, and the factory taken by storm; though there was no great fighting of course, for the assailing party were headed by Europeans, and the two European assistants in the factory, very properly turned the whole of their attention, to protect the managing partner's lady, her two children, and female servants. She fortunately escaped across the river in a dingy, to Chinsurah, and is now in safety.

The assailants were perfectly aware that the mother and her children were residing in the factory, and that there was, moreover, from 5,000 to 6,000 gallons of rum in the distillery store. It was with the full knowledge of this circumstance, that these gentlemen led a party of sailors to assault it! Can any husband or father think of the possible consequences without a shudder? There is "no mistake" here, Mr. Editor, for one of the gentlemen has actually admitted before a magistrate, that he was accompanied by sailors! A friend of his an officer of a ship, *on the river for his health!* and he, walked in to the factory, by accident, as one might say, seeing it all quiet and abandoned! This occurred on the morning of the 10th instant, but owing to the absence of the magistrate of Barrasut, on duty, the parties are in full possession of the factory, to which they might suppose they had some right; but they have, moreover, taken possession of the dwelling house of a respectable family, and seized the property of all kinds, both factory and private, and some of it is on its way down to Calcutta! Petitions have been presented to the local authorities, the joint magistrate at Barrasut,

and the superintendent of police, and proceedings will be immediately instituted in the Supreme Court. It is needless to say, that the assailants had no sort of legal process with them, which could give any colour to their proceedings."—Hurkaru, June 21.

With reference to a statement which appeared in your paper yesterday, from a correspondent, respecting an attack on a sugar factory by some sailors and others, I beg to inform you, that the facts alleged to have occurred are highly coloured, although there is some faint resemblance in the general outline. With the parties sent to take possession, there were 10 not 30 sailors, who were carried up, in order to prevent a breach of the peace, which it was supposed might follow any collision between the burkandauzes of the respective claimants to hold the factory. There was not the slightest resistance, the late occupiers having one and all left the premises, it is supposed, on the report of a party of sailors advancing being received, and no part of the furniture or private property was removed. The house belongs to the factory, and the entire concern to the firm in question. As the matter will be shortly brought before the Supreme Court, when and where the actual circumstances and merits of the case will be fully disclosed, it is unnecessary to say one word more on the subject. The public will soon be enabled to judge who is right and who is wrong. —Hurkaru, June 22.

I observe, Mr. Editor, that your devils have overlooked a note in which I requested you to give my name and present residence in Calcutta to any person who may inquire for them; pray do so, if you please. My respondent informs you, that the facts "are highly coloured." I promise you they are not coloured enough; and, verily, the idea of carrying up sailors "to prevent a breach of the peace" is a rich specimen—almost as rich as the comfortable ignorance in which he appears to be, that the bodily fear is quite equivalent in the eyes of the law to the violence. The entire concern did assuredly not belong to the firm in question. If their title was so clear, why use such means? and why, within ten days of the violence, claim in writing, only a *joint* proprietorship? This document I have seen, Mr. Editor. —Hurkaru, June 25.

## SUPREME COURT.

TUESDAY, JUNE 5, 1838.

In the matter of Thomas Wilson, of Dhurumtollah, paper manufacture, Messrs. Baillie and Molloy, attorneys for the insolvent, applied on filing his schedule, that Saturday the 28th of July next, be fixed for the hearing of the petition of the insolvent, filed in the court on the 26th May last. Application granted, on the usual notice of hearing being served upon all the creditors of the said insolvent.—*Hurkaru, June 7.*

SATURDAY, JUNE 9, 1838.

John Pratting Green and Taranychurn Neoghy, were this day brought up before the court for the hearing of the matters of their respective petitions. The latter was discharged, and the former remanded to the 28th of July next, for the purpose of serving notice of hearing on the detaining, and several other creditors, who had not been already served to that effect.

Joseph Snelson Morton.—Mr. Stréttell applied on behalf of this insolvent, on filing an amended schedule, that Saturday the 28th of July next, be appointed for hearing the matters of his petition. Granted, on the usual notice of hearing being served upon all the creditors of the insolvent.

The assignees of the estates of Messrs. Alexander and Co.; Messrs. Cruttenden, Mackillop and Co.; Messrs. Ferguson and Co.; Messrs. Colvin and Co.; and Messrs. Mackintosh and Co.; applied, that their quarterly accounts with the estates and effects of these insolvents, be received and filed in the court. Applications granted.—*Hurkaru, June 11.*

FRIDAY, JUNE 15, 1838.

## THIRD TERM.

This was the first day of term. The chief justice sat alone, and little was done except the taking of common motions.

SREBOODOOKERY DOSSEE *versus* COMULMONEY DOSSEE.

Mr. Clarke (with whom was Mr. Nott) wished to apply to the equity side of the court, for a new trial of the issue at law, tried in this case last sittings, and he intimated an intention of calling upon the other side to shew cause in the first instance.

The Advocate General (with whom were Messrs. Leith and Morton) for the defendant, objected to this course, and cited the case of *Morris v. Davis*, 3 Russ. Rep. 3-8 in which upon a similar application the Lord Chancellor Eldon, after consulting with the Vice-Chancellor, held that the proper course of proceeding was to make an *ex parte* application for the judge's notes of the trial, showing some reasonable *prima facie* ground for questioning the verdict.

Mr. Clarke said, that there was a distinction in this country, where, although the court was nominally a different court, the judges were the same in law and equity.

Sir E. Ryan was of opinion, that a statement of ground ought first to be made in order to satisfy the mind of the court of the probable necessity for reconsidering the verdict. This was not by any means a motion of course.

The usual practice was, as laid down in the case cited from Russell.

Mr. Clarke said, that he should adopt this mode of procedure, and that he should make his application on Monday next.

RUSSICKCHUNDER SEAL *versus* MILLETT.

Mr. Leith moved that the payment of a sum of money directed to be paid by the master's report in this cause, should be made by a transfer of accounts, instead of the usual mode of payment into the hands of the accountant general. Notice had not been given of this motion, but it was apprehended that no objection could be made. Motion granted.

In Mr. Ogilvy's case no application whatever was made to the court, the objections to the return of the writ of *habeas corpus*, have been dropped, as the prosecutor is anxious that the proceedings may not appear to be vigorously and harshly pressed against the defendant.

The chief justice intimated that only common motions would be taken to-morrow, Saturday (this-day).

In *Macnaghten v. Tandy* the demurrer to the bill (which is a bill of discovery to ascertain the names of the proprietors of the *Agra Ukhbar*) stands for hearing on Monday.—*Hurkaru, June 16.*

Our Supreme Court report of Saturday was incorrect (as mentioned by our morning cotemporary) in stating, that the demurrer to the bill of discovery in *Macnaghten versus Tandy* stood for hearing on Monday (yesterday). This was a clerical error for Thursday. We may mention, however, that the *Englishman* is by no means altogether accurate in warning its readers not to confound this case with the famous libel case in which the same parties appear as plaintiff and defendant, and in informing them that the two cases have no connexion with each other. It is very certain indeed, that a bill in equity to compel a discovery is not quite the same thing as an action at law to recover damages for a libel; but in the present instance the former is closely connected with the latter, inasmuch as the bill is filed for the purpose of ascertaining the proper parties to the action, and it may be considered, therefore, as supplemental and auxiliary to the proceeding at law. The defendant has demurred to the bill on the well established principle, that no party is bound to discover any matter which may subject him to penal consequences. The precise question, however, involved in the present instance, has not been forestalled by any reported decision, and is still quite open to argument on behalf of the complainant.

MONDAY, JUNE 18, 1838.

## THIRD TERM.

(Before Sir E. Ryan and Sir J. P. Grant.)

HURRYLOLL TAGORE *versus* SHAMYLOLL TAGORE.

Mr. Clarke moved that judgment might be entered upon a cognovit given by the defendant to the plaintiff. The defendant died in May last, and application was made within a few days after that event to a judge in chambers to enter up the judgment as of the preceding term, and liberty was then reserved to make the applica-

tion, without prejudice, in the present term. According to the old rules, if a party had died in vacation, the judgment might have been entered up as of the term preceding, and, although by the new rules all judgments are to be entered of record of the day and year, whether in term or vacation, when signed, yet a discretion was reserved to the court to allow a judgment to be entered up *nunc pro tunc*. In the recent case in the court of exchequer at home *Mann v. Lord Audley*, 5, Dowling's Reports, 596, the application was refused, merely because it could not have been granted under the old rules: the defendant had died in Hilary Term, and the motion was not made until the Easter-Term following.

Sir Edward Ryan said, that it was an important point, and the court would take time for consideration.

#### JOSEPH *versus* PRINSEP AND OTHERS, EXECUTORS.

The *Advocate-General* moved, that certain words of course, accidentally omitted in a decretal order made in this cause in July 1837, might be inserted by amendment. The other parties had given their consent. The order was interlocutory only, and it was the custom for the registrar only, and not the judge, to sign interlocutory orders. The clause omitted was the usual direction to take an account of the debts due to the testator. In *Wallis v. Thomas*, 7 Ves. Jun. a similar application was granted; at least the master was authorized to take the accounts without any alteration in the decree itself.

Sir E. Ryan said, that the alteration would be a material alteration in the decree, yet as all parties had consented, it might be made. His lordship added, this could not form a precedent for future cases.

#### IN THE MATTER OF W. CURRIE, DECEASED.

The *Advocate-General* moved, that the usual citations should issue in the goods of this party. Mr. Currie left debts and effects in this country and also in England; and by his will appointed his son and another party executors, who had proved the will in the proper ecclesiastical court at Canterbury. But it had been decided that such probate would not extend to India, and it now became necessary to take out administration with the will annexed in this country. A power was given by the executors, to Messrs. Colvin and Co. to institute actions, and otherwise to act; and the question was whether this power extended to enable them to take out administration and act as executors here.

Sir E. Ryan was of opinion, that the power was insufficient.

Motion refused.

#### SHEEMUTTY SEBOOSOONDERY DOSSEE *versus* SHEEMUTTY COMULMONEY DOSSEE.

This was the issue out of chancery tried last sittings, to inquire into the validity of a certain clause in the will of a wealthy Hindoo Kissenchunder Seal. It may be recollected that the cause occupied four entire days in the hearing, and that a verdict was found for the defendant, negativing the clause.

Mr. Clarke now moved for a new trial. He felt himself placed in a very difficult position in applying for new trial upon evidence on which their lordships had once already expressed an opinion; but the case appeared to him so full of doubt and uncertainty, that he was inclined to hope the court might see some ground for a rehearing. He should now state the chief points upon which he founded his present application.

Sir E. Ryan. Have you any new statements to bring to the notice of the court? If not, your position is one of insuperable difficulty. The court cannot well come to a different conclusion at this stage of the proceedings,

from the verdict which was pronounced when the evidence was fresh in their minds. I feel bound to say that it then appeared to myself and Mr. Justice Grant, that you had argued the most ably and ingeniously, and indeed urged everything that could possibly be advanced; yet we felt that the probability was, if anything, slightly the other way, and that the plaintiff had not succeeded in making out her case.

Mr. Clarke said, that there were one or two points which he had not then dwelt upon strongly enough; chiefly the circumstance that the defendant had instituted equity proceedings immediately after the death of her husband, when if the will she set up had really been in existence, such proceedings would have been quite superfluous. His grounds for the present motion were,

1.—That the plaintiff's case was supported throughout by probabilities.

2.—That the plaintiff's case was consistent with that which she had previously set up in equity, and that the defendant's was the reverse.

3.—That the plaintiff's witnesses were consistent with themselves and with each other, whereas the testimony adduced by the defendant was highly contradictory and inconsistent.

4.—That all plaintiff's witnesses were perfectly interested in the result, while most of the defendant's had some interest.

5.—That the witnesses for the plaintiff were far superior in character and station of life, and therefore more worthy of credit.

Sir E. Ryan said, that he retained his former opinion. He did not say that the defendant's story was the most probable, or that her witnesses were more worthy of belief; but the *onus* of proof rested upon the plaintiff, and the court could not come to the conclusion that the plaintiff had succeeded in clearly establishing it.

Sir J. Grant fully concurred.

Rule refused.

Mr. Clarke read Mr. Nott for plaintiff.

The *Advocate-General*, Mr. Leith, and Mr. Morton, for defendant.—*Hurkaru*, June 19.

THURSDAY, JUNE, 21, 1838.

#### THIRD TERM.

(Before Sir E. Ryan and Sir John P. Grant.)

#### HURRYLOLL TAGORE *versus* SHANYLOLL TAGORE.

Sir Edward Ryan said, that Mr. Clarke had applied to the court in this case, for liberty to enter up judgment, on a warrant of attorney given by the defendant, empowering the plaintiff to enter up judgment on a *cognovit*. (See the *Hurkaru* of Tuesday.) The *cognovit* had been prepared, but the defendant died before judgment was entered up, and the application was made a few days afterwards to a judge in chambers, and by his direction referred to the court. Now according to the old rules, all judgments had reference to the first day of the preceding term, but by the new rules every judgment had effect from the day when signed. It was true, that the court had still a discretionary power of allowing judgments to be entered *nunc pro tunc*. But it was the opinion of their lordships, that since the new rule, it was necessary for the party to be actually living, at the time when the judgment was signed. Such opinion had been expressed in the last edition of Archbold's practice, and also



by Mr. Baron Parke in *Mann v. Auldry*, 6 Dowl. Pract. Reports. Under these circumstances, the court could not grant the application.

*Motion refused.*

#### ADMIRALTY SIDE.

##### IN THE MATTER OF THE SHIP, "CALCUTTA."

This was a claim of salvage. An application had been made to direct the sheriff, to cite Charles Howe Cockerell and others, owners and consignees of the bark "*Calcutta*," to shew cause why salvages should not be allowed to Captain Charles Henry West and the officers of the steam-ship *Enterprise*, for the rescue of the said bark from the perils of the sea.

It appeared from the affidavits, which were put in and read in this cause on the part of the salvors, that in the month of October last, the steamer *Enterprise*, employed on Government service in the river Hooghly, observed a vessel off Saugor point, in apparent distress, and making a signal that no pilot was on board. This vessel, which was the bark *Calcutta*, burden 440 tons, P. H. Bentley, commander, was at that time drifting rapidly towards a dangerous shoal, with a heavy gale blowing, threatening squalls, and a strong flood-tide. She appeared to be dismantled. The *Enterprise* immediately left the duty, on which she was engaged, and proceeded to the assistance of the *Calcutta*. After considerable exertions, and with no small difficulty and risk, the steamer succeeded in making fast a hawser, and in getting the bark clear of the sands, and then towed her to Kedgerie, where she anchored. The whole of the ensuing night was tempestuous, and the steamer remained near the rescued vessel, for her protection, until day-light the next morning, when she towed her up the river to her moorings at Diamond Harbour. The affidavits on behalf of the claimants stated, positively, that, from the dangerous position of the *Calcutta*, and the strong wind and tide, she must have been infallibly wrecked, but for the timely aid afforded by the steamer. One of the affidavits was that of Longueville Clarke, Esq. who was on board of the *Arrowaddy* steamer, Captain Warden, commander, and, witnessed the danger of the *Calcutta*, and the exertion of the *Enterprise*. The vessel and cargo were valued at more than a lac of rupees.

The counter-affidavits (among others) of Captain Bentley, the commander, and of Mr. Middleton, the first officer, set forth, that no signal of distress was made by the *Calcutta*, that she was in no danger whatever, and that the only signal was the unfurled-jack, which had been flying all day for a pilot. They added, that, observing the *Enterprise* and *Arrowaddy* in sight, they had supposed that those steamers were disengaged, and they wished, therefore, to obtain their services. These gentlemen positively swore, that to the best of their judgment and belief, the steamer rendered no material service, and that the *Calcutta* could have easily reached Diamond Harbour in safety, without aid. The *Calcutta* was a strong new vessel, totally uninjured; she was not dismantled, but had struck her upper spars, and double-reefed her top-sails.

The Advocate General and Mr. Leith, addressed the court on behalf of the defence. The learned counsel contended, that there was no ground for this claim, upon the other party's own showing. No danger was incurred by the steamer, and nothing was performed except what was within the scope of her usual duty and occupation. The steamer, therefore, was merely entitled to the ordinary rate of remuneration for her services, (which had already been received) and to no extraordinary reward in the shape of salvage. Cases had been decided in which it was held, that the claim could not be sustained for the performance of a mere

duty. In the instances of the *Governor Raffles*, and the *Francis and Eliza*, 2, Dodson's Adm. Rep. the crew of a vessel were held not entitled to salvage from the owners, for rescuing their own vessel from mutineers and pirates. And in the *Joseph Harbey*, 4, Robertson's Reports, it was laid down that mere pilotage duty, even under hazardous circumstances, must be distinguished from salvage services, and is entitled only to the common remuneration.

Mr. Prinsep, for the plaintiffs, urged, first, that quite sufficient appeared upon the affidavits to shew the extreme danger in which the vessel was placed. It was sworn positively by persons competent to judge, that the vessel was placed in a precarious position, that she must have been speedily wrecked without aid. This inference was very natural too, considering the circumstances of wind and tide, and it was absurd to suppose, that the vessel could have got off, and arrived at her moorings in safety, if left entirely to her own devices. Authorities were not wanting to shew, that no great exertion was essential to be proved on the part of the salvors, and no vast risk necessary to be incurred, in order to entitle the salvors to their claim. In the case of the *Maria Edward's* Adm. Reports, 176, the vessel had been totally abandoned and first taken possession of by two fishing-smacks; yet, although these vessels were proved to be fully competent to the task of carrying the vessel safely to shore, a King's ship interfered for the purpose of giving assistance, and was held entitled jointly with the original salvors. Secondly, it had been urged on the other side, that the steamer had done no more than her duty, whereas to entitle a party to the claim, such party (it was alleged) must be a mere volunteer. Now the cases cited, relating to the saving of a ship by her own crew, were utterly inapplicable, because the crew had done nothing more than they had actually contracted to do, and could not, therefore, claim any reward; and the distinction between pilotage and salvage might be safely admitted, without affecting the present claim. If the commander of the steamer had been a regular pilot, and had performed nothing more than a pilot's duty, he certainly could not have demanded any additional remuneration; but the case was not so. It was true, that to a certain extent it is the general duty of commander of a steamer to interfere, because general instructions to that effect have been promulgated under the sanction of Government. But to a certain extent too, it is the duty of every ship to assist another in distress, as it is the duty of every good Christian to lend a helping hand to his neighbour. The case of her Majesty's vessels being allowed salvage for saving other ships from damage or destruction, was precisely in point. It was the bounden duty of a King's ship to aid and protect a merchant vessel under British colours—in the instance, for example, of such vessel being attacked by a hostile ship of war,—yet the King's ship might institute a claim for salvage. In the matter of the *Marianne*, Magwood's Adm. Reports, 159, where the vessel was saved by the King's ship *Arrow*, Lord Stowell said, that the ship was entitled to salvage, although there was an obligation upon her Majesty's vessels to aid the merchant ships of this country.

Sir Edward Ryan said, that the court wished to look further into the affidavits, and that they should postpone judgment until a future day.

*Cur. adv. vult.*

This case occupied the court until between 3 and 4 o'clock; and the demurrer in *Marnaghten v. Tandy* was postponed on that account until the next equity day, (Monday.)

Two cases stand for trial to-morrow, (this-day) on the Common Law Board,—*Hursham*, June 23.

FRIDAY, JUNE 22, 1836.

## THIRD TERM.

(Before Sir E. Ryan and Sir John P. Grant.)

## CROWN SIDE.

## THE QUEEN versus MOHAMMAD ALLY and FITZ ALLY.

These two prisoners, who were convicted of theft at the 3d sessions of 1836, and whose case was transmitted home by the judges, for the merciful consideration of the crown, were this morning, placed at the bar. The clerk of the crown read aloud her Majesty's free pardon, signed with the royal sign manual, and countersigned by the secretary of state. The pardon was interpreted to them by the sworn interpreter of the court, and the prisoners were ordered to be discharged from custody.

Prisoners discharged.

## FLEA SIDE.

## JAMES YOUNG versus MEDDOOSODDUN SETT.

This was the first case on the common Law Board, and stood for this day.

The *Advocate General* had been instructed to apply to the court for liberty to postpone the trial, as Mr. Clarke (to whom the learned *Advocate* was opposed) was the only counsel on the opposite side, and had met with an accident in spraining his ankle, which unavoidably confined him to the house.

Sir E. Ryan said, that if the opposite counsel consented, the case might stand over.

Stand over.

## IN THE MATTER OF JUDGE, GENTLEMAN.

The *Advocate General* moved the court, that leave of absence for three years might be granted to Mr. Joseph Spencer Judge, an attorney of this court, for the benefit of his health.

Leave granted.

## PROBODOSCOMAR TAGORE versus WHOMESCHUNDER PAUL CHOWDRY.

This was an action upon a bond, and was heard *ex parte*.

The plaintiff and defendant were sureties in a bond given to the receiver (Mr. Macmillan, Esq.) for securing the payment on the part of their principals, of certain money payable by instalments. After the payment of a certain portion, default was made by the principal, and two instalments falling in arrears, the receiver, having applied without success to the principal debtor, instituted proceedings against the present plaintiff, as surety. The plaintiff paid the amount due, Co.'s Rs. 10,500, and now sued his co-surety upon a separate bond, which he had taken from him for his own indemnity.

The plaintiff was very nearly nonsuited, from inability to give legal proof of the default in payment on the part of the principal debtor; but he was allowed to recover on giving evidence of the demand made upon the principal, and of the proceedings at law instituted against himself at the suit of the receiver, and under which he had paid up the arrears which had accrued due.

The *Advocate General* and Mr. Prinsep appeared for the plaintiff.

Verdict for Company's Rupees 10,500.

## EQUITY SIDE.

## MEDDOOSODDUN SANDELL versus RAUSMONEY DOWSER.

This cause stood for hearing on the pleadings, the bill having been filed for an account.

Mr. Prinsep (with whom was Mr. Cochrane) for the complainants, stated, that the parties had agreed that a decree should be taken by consent. The learned counsel proceeded to specify the terms.

Mr. Osborne rose and said, that in the consultation at which he was present, the terms consented to were not the same as those now stated on the other side, and in the absence of his leader, Mr. Clarke, he did not feel himself justified in consenting to any alteration.

Mr. Prinsep said, that if Mr. Clarke had been present, he would not object to the terms now stated.

Sir Edward Ryan observed, that this was a curious position to place their lordships in. The court were first informed, that a decree would be taken by consent, and then, as soon as the matter was opened, it appeared that there was a dispute between counsel, respecting the precise terms. The regular course was, whenever the parties were willing, that a decree should be had by consent, to draw up the decree before coming into court, and then for the senior counsel on each side to sign it. If counsel could not agree, the cause must be gone into, and the court would decide.

It was at last settled, that a decree should be taken on the pleadings, and that a reference should be directed to the master to take an account of all matters in the pleadings mentioned.

## MUTTYLOL SEAL versus MUDDENMOHUN NUNDUN AND OTHERS.

This was a bill for a foreclosure, stating the loan to a deceased party, (represented by the defendants,) and that the same was secured by bond with warrant of attorney, and a mortgage of certain premises.

Mr. Prinsep and Mr. Leith appeared for the mortgagee.

Mr. Osborne appeared for three infant defendants. The cause was heard *ex parte* against the adult defendants.

Sir E. Ryan. Let there be the usual decree of foreclosure.

## MURDENMOHUN MITTER versus JUGERNAUTH PERSAUD MULLICK.

In this case the bill was filed for a foreclosure upon two mortgages. The cause was heard *ex parte*, and the usual decree made.

The *Advocate General* and Mr. Leith for the mortgagee.

Decree of foreclosure.—Hukaru, June 23.

MONDAY, JUNE 26, 1836.

## THIRD TERM.

(Before Sir E. Ryan and Sir John P. Grant.)

## SREENUTTY NIBBUNMONEY DABRY v. SHAMILLOL TAGORE.

Mr. Clarke moved that the master's report might be confirmed. The former master had made his report in the cause, to which exceptions had been taken and in

part allowed. The report had been referred back, and the present master (the vacancy having occurred in the interim) had made his report upon only the matters excepted to. At the present time, therefore, there were two separate reports, forming one entire and complete report in the cause, and the object of the present application was to consolidate and confirm the same. The learned counsel argued, that it would involve both the master and the parties in great hardship and difficulty, if the whole of the matters brought before a former master were obliged to be gone into a second time before the new master, and the whole report drawn up afresh, while, perhaps, the portion requiring reconsideration and amendment, might bear a very minute proportion to the entire report. Moreover, there was another obvious objection, inasmuch as the master would make the whole report his own, by embodying the former report in his fresh report upon the matters excepted to, whereas the special direction and authority given by the court, would extend only to the latter.

Sir E. Ryan said, that this was an application to add together two separate reports by two different masters, and transmute them into one. Such an application was without precedent in this court, and could not be granted.

*Refused.*

MANUK AND OTHERS *versus* SARKIES OWEN AND OTHERS.

The *Advocate General* (with whom was Mr. Clarke) moved upon affidavits, that the present trustees of the marriage-settlement might be removed, on the ground of insolvency, and others substituted in their stead.

Mr. Prinsep, for the trustees, did not object, on the part of his clients, to their discharge, and to the substitution of new trustees. His clients, indeed, were anxious to be relieved from their trusts, and secured from all future liability. Yet he conceived it necessary to submit to the court, whether the present proceeding was strictly regular, and whether trustees appointed under a solemn deed, could be removed by a mere petition to the court. He submitted that the parties might change the trustees of their own act, and discharge the present trustees from their liability, a regular deed of release.

The *Advocate General*, in reply, observed, that he could not understand the course adopted by his learned friend, and he was not aware that there was any middle course between opposing a motion and not opposing it. The parties could not effect the change required without the aid of the court, first because one was under age, and secondly because another had refused to give his consent.

The Court said, that it appeared that no opposition to the change was wished to be made on the part of the present trustees, and they unquestionably possessed the right of coming in and opposing the application in its present form, until they were themselves duly discharged from all liability. There must be a reference to the master.

— *versus* —

Mr. Clarke applied for a sale by the sheriff, of the goods of the defendant, seized under a writ of sequestration for want of an appearance. The affidavits stated, that the goods seized were *perishable commodities*, and that damage and loss would inevitably ensue, if the sale were delayed.

Sir E. Ryan. Why, it appears that the property in question consists of *GRAM*, and I am not aware that *gram* can be called a perishable commodity. I have heard of cases, indeed, where a sale of cattle has been permitted, on the ground of the expense incurred in the keep: in vulgar language, they "eat their own heads off."

Mr. Clarke suggested, that at the commencement of the rains, *gram* was likely to be damaged by being long kept, and in support of this position, he referred to a report of the agricultural society, who (the learned counsel observed) must be deemed a better authority upon such a point, than even their lordships! Besides, the price of *gram* was likely to fall in a short time, and this property, therefore, would be sold at a depreciated price.

Sir E. Ryan said, that even if this were the case, it did not bear out the statement that *gram* was a *perishable commodity*. The actual sale of the property would be a measure of some severity, and the court saw no reason for hastening it. No judgment had yet passed against the party:—he was only in contempt for non-appearance. The ground of the affidavit be must amended.

*Refused.*

NIBBUNMONEY DABRY *versus* SHANLOLL TAGORE AND OTHERS.

Mr. Leith rose and said, that he had to shew cause if this case.

The *Advocate General* observed, that he had not expected to be called upon, as the motion was his own, and it was in his discretion to press it or not.

Sir E. Ryan said, that the course was certainly not strictly regular. It was for the party who had obtained the rule, to apply to make it absolute if they chose. The other side need not interfere, because, unless a motion is made to make the rule absolute, of course it falls to the ground.

The *Advocate General*, however, said, that he was perfectly ready, and he proceeded accordingly to support his rule. The nature of the application was this. A creditor Juggomohun Mookerjee, had applied, at a late stage, for leave to come in and prove his claim before the master, and the court had allowed this upon a special order, directing that all costs incurred by the proceedings before the master, should be paid by the creditor. The question was, whether the costs of certain objections to the items of a bill before the taxing-officer, were to be considered as included in the terms of the order. The learned counsel contended, that these costs did not arise from the delay of his client, that they would have been equally incurred if he had come in six months earlier, and that they did not fall, therefore, within the purview of their lordships' order.

Mr. Leith shewed cause, contending that the costs of the objections were clearly, to all intents and purposes, costs occasioned by the application of the creditor, and fell within the express words of the order.

Sir Edward Ryan said, that the court had given leave to this creditor, with considerable reluctance, and that the order then made was, that *all the costs incurred*, should be borne by the applicant, as they considered that he had placed himself in the most unfavourable position in this respect. It was the intention of the court, and the order so expressed it, that the party who had already suffered from the creditor's wilful delay, should not be put to any expense at all in the matter. The order extended, not merely to costs caused incidentally by the delay which had occurred, but to all costs whatever which the application should occasion.

*Rule discharged.*

BONNERJEE *versus* BONNERJEE.

Upon the application of the *Advocate General*, the court said, that judgment would be given in this case (upon exceptions to the master's report) in the course of a day or two.

The motions occupied the court to-day until so late an hour, that the two demurrers standing for hearing on the plea and equity side, were postponed. Their lordships intimated, that in the event of the causes, which stand for to-morrow and the next day, being terminated at an early hour, the demurrers would be taken upon one of those days.—*Hurkaru, June 26.*

TUESDAY, JUNE 26, 1835.

THIRD TERM.

(Before Sir E. Ryan and Sir J. P. Grant.)

**RAMDHONE GHOSH versus RAMANUND GHOSH.**

The case was called upon, but stood over, being tied up by a rule nisi for its postponement until next term, on the ground of the absence of two material witnesses.

**JAMES YOUNG versus MOODOOCHODDUN SETT.**

*Mr. Prinsep* opened the pleadings.

The *Advocate General* stated the case for the plaintiff. The action was brought to recover the balance of principal and interest due upon promissory note for Sa. Rs. 15,000, of which the defendant was the maker, and which had been indorsed over to the plaintiff as secretary to the Union Bank. The defendant and his brother were partners, and had established a cootie or banking-house, which transacted the business with the Union Bank. This promissory note had been given to secure a loan, and the defendant upon two different occasions, had paid up a sum, amounting to between two and three thousand rupees, upon account of the note. The defendant's brother was in the habit of signing for himself and his partner, and had signed his brother's name in his presence upon the present occasion. The learned counsel submitted that proof of the payment on account of the note would preclude the defendant from denying his own liability, and the authority of his brother to indorse.

Evidence was then tendered in support of the above facts.

*Mr. Clarke* for the defence submitted, that there was not sufficient proof of authority, or that the instrument was duly explained and recognised by the present defendant; and further, that, as it had appeared from the plaintiff's own case that several dealings had taken place between these parties and the Union Bank, there was nothing to shew satisfactorily to what account the alleged sums had been paid. He therefore prayed a nonsuit.

*Sir E. Ryan.* There is quite sufficient *prima facie* evidence to shew that the sums were paid on account of this promissory note. If you go for a nonsuit, that evidence must be assumed true for that purpose;—it is otherwise, if you submit the case to us as jurors, and claim a verdict for your client.

*Mr. Clarke* then called a witness to prove that the cootie was the sole property of the brother, and that the defendant had no interest in it whatever. This witness was examined and cross-examined at great length, and the plaintiff produced testimony in contradiction of the material parts of his evidence.

The Court was of opinion that the plaintiff had succeeded in proving the authority, and was entitled to a verdict for the whole balance claimed.

*Verdict for the plaintiff.*

**WOODDYCHUM DOSS versus BRINDABUN.**

*Mr. Marnell* opened the pleadings.

The *Advocate General* stated, that this was action upon an account stated between the parties. Judgment had been allowed to pass by default for want of appear-

ance, and the plaintiff now proceeded to assess damages. Both of the parties carried on business in Calcutta, and there had been several extensive mutual dealings. Upon the settlement of accounts between them, some time since, a large sum was found due, and acknowledged to be due to the plaintiff; to recover which with interest from that date, the present action was brought.

The Court were of opinion, when the evidence had been gone through, that the plaintiff was only entitled to recover the sum acknowledged to be due upon the settlement of accounts, and that there was no evidence before their lordships to support his claim for interest.

*Verdict for the plaintiff.*

*Mr. Clarke* moved, in the cases, in which a motion was made yesterday to confirm the two separate master's reports; that the said reports might be taken off the file, and referred to the master to be consolidated, when the consolidated report might be afterwards moved to be brought up and confirmed.

*Sir Edward Ryan* said, that the court would direct that both the reports should be taken off the file, but that when they were referred to the master, that officer must deal with them according to his own discretion, without any special order from the court.

versus THACKERAY.

*Mr. Leith* moved, that judgment might be entered up in this case as for want of a plea. The plaint was framed upon a bill of exchange, and the plea was the general issue, which, since the new rules, is a nullity.

*Motion granted.*

The demurrers were again postponed. *Sir John Grant* said, that in the demurrer on the plea side he had only just received the paper-books. *Sir Edward Ryan* intimated an opinion to the counsel for the defence, that most of the authorities relied upon by them, had been expressly overruled by more recent decision.—*Hurkaru, June 27.*

WEDNESDAY, JUNE 27, 1828.

THIRD TERM.

(Before Sir E. Ryan and Sir J. P. Grant.)

**RUSSICKCHUNDER NEOGY versus SREEMUTTY HURREE-MONEY DOSSER.**

The *Advocate General* (with whom was *Mr. Prinsep*), for the plaintiff, stated, that this was an issue from the equity side of the court, directed for the purpose of trying the question whether the complainant in the equity suit (the defendant at law) had accepted and acknowledged a certain Bengallee security in the nature of a bill of exchange for the sum of Sa. Rs. 2,900. The defence set up was that the defendant had never signed her name to any such paper and that the whole was a forgery; but the plaintiff would call the subscribing witnesses, and show when and how the whole happened. The brothers of the defendant (who is a lady of property) by name Cosinauth Dutt and Bissinauth Dutt, had been indebted in large sums to the plaintiff; some of these debts were liquidated by the sale of certain property mortgaged by them to the plaintiff. The present defendant had paid several large sums at different times and given securities, on account of her brother's debts, and among others had signed the present acceptance to cover the balance found due to the plaintiff from Cosinauth Dutt, on a settlement of accounts between those parties.

Several witnesses were called on behalf of the plaintiff, and examined and cross-examined at great length. Among others, the alleged subscribing witnesses to the instrument were called to prove its validity; the defendant's counsel endeavoured to shew that their names had been subsequently added.

Sir Edward Ryan observed, as soon as the case for the plaintiff had closed, that the court would not call upon the other side for their defence, as they were of opinion, that the plaintiff had failed in proving the genuineness of the acceptance.

Mr. Clarke and Mr. Leith appeared for the defence.  
*Verdict for the defendant.*

This case occupied the court the whole day.

The case in yesterday's report, entitled "*\_\_\_\_\_ v. Thackeray*," ought to have stood "*Hulodhur Ghose v. Thackeray*." Our reporter accidentally failed to catch the plaintiff's name.—*Hurkaru, June 28.*

THURSDAY, JUNE 26, 1838.

THIRD TERM.

(Before Sir Edward Ryan and Sir J. P. Grant.)

SCHNEIDER *versus* MORGAN.

This was an action upon the common counts for goods sold with which particulars of demand had been filed, stating that the plaintiff claimed the value of a buggy sold to the defendant. The plea was special, and stated that the chattel sold did not correspond with the representation of the seller. To this the plaintiff demurred upon the ground that the plea was bad for duplicity, and, moreover, amounted to the general issue.

Mr. Clarke stated to the court, that after the intimations thrown out by their lordships, questioning the validity of the plea, the defendant would, with the permission of the court, withdraw his plea, instead of risking an argument upon the demurrer. Upon the question of costs, he submitted, that some allowances might reasonably be allowed, on the score of the doubt and uncertainty in which the point had appeared to be involved, and that the amendment, therefore, might be allowed *without costs*, the costs to abide the event of the case.

Sir Edward Ryan said, that the court would permit the plea to be withdrawn and amended, but that there was no ground for refusing costs to the plaintiff. The cases relied upon by the defendant, had been clearly and expressly overruled.

*Leave to amend on payment of costs.*

JOHN REVELEY *v.* BENJAMIN HARDING AND OTHERS.

The *Advocate-General*, shewed cause against the rule nisi obtained by the plaintiff in this case for entering up judgment as in the case of a nonsuit. The action was brought against an insurance office for Co.'s Rs. 12,600. This plaintiff was resident at Penang, from which place the ship sailed, and where she had been insured. The vessel was wrecked at Cochin, and the owners now claimed for a total loss. A Mr. Philip and Mr. Morton had been material witnesses to prove the plaintiff's case;—the former had sailed from Calcutta, and the latter was dead. There were other persons at Penang, capable of giving important evidence, and it would be necessary to apply for a commission for their

examination. Under these circumstances the learned counsel submitted, that no unnecessary delay had been shown.

Mr. Leith in support of the rule, contended that the plaintiff had been guilty of *laches* and unwarranted delay. The original action was commenced more than a year ago, and discontinued;—issue had been joined in the present action last January, and nothing had been done since. The defence was that the ship had been run on shore by fraud and design; and although underwriters were generally unwilling to take defence in actions upon policies, yet in this case they conceived it to be their duty to defend, as they were confident of the truth of their case, and the fraud of the claimants.

Sir E. Ryan said, that if the underwriters were so confident of their case, it would be more satisfactory to give the other side a full opportunity of procuring all the necessary evidence. The court however, would not compel a commission to examine witnesses, unless the defendants consented.

Mr. Leith consented to a commission.

*Rule discharged—costs to abide the event.*

RAMPHONE GHOSH *versus* RAMKUND GHOSH.

Mr. Clarke shewed cause against the rule nisi for the postponement of this trial, obtained on the ground of the absence of two material witnesses. There was no affidavit on the part either of the defendant himself or his attorney, nor was there any sufficient ground shewn for the continued absence of these witnesses. The learned counsel put in counter-affidavits of his client and attorney, and it appeared that these witnesses were at Dacca, which was stated to be only 200 miles from Calcutta, and readily accessible by dawk communication.

Mr. Leith supported his rule.

Sir Edward Ryan said, that the rule must be discharged, and *with costs*. There was no other affidavit but that of the *gompash*, and the court observed, that frequent attempts had been made latterly to postpone trials upon such vague grounds. Their lordships would require a much more certain and substantial foundation for such applications. A suspicion naturally arose, that the application was made merely for the purpose of delay.

*Rule discharged with costs.*

MACNAGHTEN *versus* TANDY.

This case being called on, the counsel for the defendants were about to support their demurrer, when the court observed, that they wished to hear the complainant's counsel first in support of the bill.

The *Advocate-General* stated, that the defendant was the editor and publisher of a newspaper called the *Agra Ukhbar*, and that the present bill had been filed against him for a discovery of the names of the proprietors of the said paper, in aid of an action at law about to be brought against them for certain libels contained in that newspaper. There were several grounds stated in the demurrer, but the chief grounds were that the bill sought a discovery which would subject the defendant to pains and penalties, contrary to the principles recognized by courts of equity, and, moreover, that the defendant himself might be examined as a witness at law in an action of libel against the proprietors, and that he was not subject, therefore, to a bill of discovery.

Sir J. Grant suggested, that the learned counsel might confine himself to the former point, as it appeared *prima facie* to make strongly against him.

The *Advocate General* submitted, that there was no ground for the objection. It was only stated, that an action was about to be brought against the proprietors, and the defendant was not necessarily included in this. There was nothing whatever to shew that the answer to this bill would attach criminality to the defendant. Besides, there was no possible object to be gained by calling upon him to acknowledge himself responsible as proprietor, because he was already amenable as the avowed editor. But, even admitting for argument's sake, that part of the discovery sought in the bill extended against the defendant himself, and afforded a ground for the objection that he was not compellable to criminate himself by his answer, this did not apply to the whole bill, and there were abundant authorities to shew that a defendant might demur or plead, to part of a bill and answer to the remainder. The present demurrer, therefore, was at all events too large.

*Sir Edward Ryan.* There certainly is some distinction, by the manner in which Mr. Advocate General has ingeniously shaped his case. The court now wish to hear the opposite side upon the other main point taken in the demurrer.

*Mr. Prinsep*, in support of the demurrer, contended that their opponents were placed in this palpable dilemma ;—if they mean to argue that this defendant was an interested party, and as such liable to the bill of discovery, then the first objection would arise, that he was called upon to make a discovery which would criminate himself as proprietor, and if on the other hand it was contended that he was not interested, and was in this respect a mere third party, an equally insurmountable objection arose in the principle that a party capable of being made a witness at law could not become a party to a bill of discovery. Now, it was stated in the bill that C. G. Mansell (and others were proprietors of this paper :—then, why was not an action brought against Mr. Mansell and Mr. Tandy subpoenaed as a witness to prove the proprietorship? No authority could be shewn for making a witness defendant in an equity suit for the mere purpose of obtaining his evidence ; and, indeed, if such a principle were once acknowledged, it would lead to endless abuses. Every one was liable to be subpoenaed as a witness ; but was every one therefore compellable to answer a bill of discovery? Besides there were no grounds alleged how or why this party possessed any knowledge upon the subject, or enjoyed peculiar opportunities of procuring information. It was true, that he was editor of the paper in question, and as such employed in the office, but this was no guarantee that he was acquainted with the names of the proprietors themselves. The bill might just as well have been filed against the *Printer's Devil*, who of course was also employed in the office. The whole proceedings was a mere experiment ; the bill was (as it were) shot into a mob, and the complainant might go on in the same manner from party to party, until he succeeded in hitting upon some one capable of giving him the desired information. But, farther, the learned Advocate General had considered the former objection upon two narrow grounds. There were authorities to show that no bill of discovery would lie in aid of any criminal proceedings, whether the defendant himself was implicated or not, and that it was very questionable whether it could be supported for any *tert* whatsoever. These positions were laid down by Lord Langford, the master of rolls, in a recent case reported in 1 Keen's reports, *Glynn v. Houstoun*, where the bill was in aid of an action for false imprisonment against the Governor of Gibraltar. So in *Custom Douglas*, 16 Vesey Junior, it was laid down, that it was material whether the criminal matter affected the defendant or other parties, and that no one was bound to answer to matters tending to implicate another in a criminal charge.

Mr. Leith followed on the same side, and urged the points dwelt upon by his leader, contending that this demurrer was founded upon two well-established principles of equity, viz. that no party was bound by his answer to criminate himself or any other person, and that a witness could not be made a party to a bill of discovery. The learned counsel further proceeded to argue, that it was necessary for a party to come into a court of equity (as usually expressed) "with clean hands : " whereas it here appeared upon the face of the bill, that the complainant himself had given ample provocation, and had in fact commenced hostilities by publishing gross libels against this very defendant.

*Sir E. Ryan.* That appears upon the face of the bill no further than this,—that you have accused him of it in your own libel!

Mr. Leith then urged another point, viz. that the party was bound to deny solemnly all the charges against him contained in the libel of which he complained : otherwise it would not appear but that a plea of justification might be put upon the record in the action at law ; and proved ;—in which case no bill of discovery could aid him a jot. Now the charges contained in the alleged libel were not denied by the complainant, and the charges, therefore, must be assumed as true.

*Sir Edward Ryan.* That position would be good, where the party libelled sought for a criminal information against the libeller, but the principle is quite inapplicable to the present case. The complainant is not prejudiced by omitting to traverse the truth of the charges.

The Court then directed the attention of the complainant's counsel to the dilemma in which they appeared to be placed.

The *Advocate General* said, that there was not only the authority of legal decisions in support of their side, but the express declaration of an Act of Parliament. By the 38 Geo. III. c. 78. s. 28, it was expressly enacted, that in all cases where bills were filed for the purpose of discovering the names of the proprietors or publishers of any journal, or ascertaining other necessary matters in aid of an action at law for libel, it should not be competent for the defendant to plead or demur, but that he should be compelled to answer the matters required. Now he did not mean to say that this act expressly extended in India, but it amounted to a clear admission, by inference, that bills of discovery had been formerly entertained, and were not wholly unusual in such cases.

*Sir E. Ryan.* It seems to me merely to narrow a right on the part of the defendant, which formerly existed!

Mr. Clarke followed on the same side. The learned counsel took a new ground of argument with reference to the above cited Act of Parliament, and contended that although the act itself did not extend to India, this court, sitting as a court of equity, would recognize the principle there laid down, because by the express provisions of the charter, it was empowered to decide according to equity and good conscience, and the practice was directed to be regulated according to the rules which were acknowledged, and acted upon at home. Now, it was clear that such a bill as the present would be entertained by the court of chancery at home, because, it would not be competent for the defendant to plead or demur, and the demurrer must therefore be overruled. The same principle ought to be acted upon here.

*Sir J. Grant.* I understand this act to mean that the defendant, when interested, shall not shelter himself from a discovery upon the mere ground that such discovery may subject him to penal consequences.

Mr. Clarke. The act contains no such restriction, my Lord. It provides generally that the defendant

FRIDAY, JUNE 29, 1838.

shall be compelled to answer, and he has no right to demur upon one ground more than upon another; whether it be his liability to penalties, or his competency as a witness at law. The object of this enactment is plain. It was, doubtless, occasioned by those disgraceful tricks to which the proprietors of journals (as in the notorious case of the *John Bull*) had recourse, in putting forward men of straw to become the scape goats for the most atrocious libels. There were exceptions to the rules that no bill of discovery would lie for torts, or against parties competent to be called as witnesses. In the first place, there were cases (reported in *Vernon*), where it was expressly laid down that a court of equity would entertain a bill in aid of an action in the form *ex delicto*, as well as for actions *ex contractu*. As to the other point there was one instance where witness was compelled to answer to a bill of discovery in a matter relating to canal-tolls, and another where a factor was compelled to answer, although a real principal was concerned. Now it might be said, perhaps, that these cases arose *ex necessitate rei*, and were mere exceptions to the general rule, inasmuch as the witnesses, made defendants, were the only ostensible parties. But the present case was fully as much an exception, and presented peculiar features which justified a modification of the general rule.

Sir Edward Ryan. I retain my former opinion, and I have no doubt whatever that such a bill as the present cannot be sustained. This is a bare question of law, and unconnected with any disputes which may exist between Mr. Macnaghten and Mr. Tandy. We are told that an action of libel is pending, but of this we can take no notice.

If the party answers this bill as it stands, he must, infallibly criminate himself. It has been ingeniously suggested, that the part relating to the defendant might be omitted; but this is impracticable. It is impossible for the defendant to answer the bill at all, without stating that he is connected with the paper, or otherwise interested so as to make him incompetent as a witness.

Again, no authority is shown and I believe none exists, which contravenes the general principle, that such a proceeding is untenable in the case of a mere personal tort, whether the defendant be implicated or not.

The exceptions to the rule that a witness cannot be made a party to a bill of discovery, are founded upon peculiar circumstances, which have no sort of existence in this case. They are exceptions which only confirm the general rule.

As to the 38 Geo. III. c. 78, I must confess myself utterly unable to perceive the grounds of the learned *Advocate General's* inference. It appears to me to imply, not that such bills were formerly entertained but that such demurrers were formerly allowed. The other argument founded upon that act is inapplicable. If this were a mere matter of practice and procedure, it might be otherwise, but it is a question of general right. Besides it seems quite clear that even in England this could not extend to the case of witnesses made defendants, because even if an answer, were obtained, it would not be evidence against a third party, and unless the act went on to make such answer legal evidence, the provision so far would be utterly nugatory. Possibly this very act, may have given rise to the present novel bill of discovery! The demurrer must be allowed, and the bill stand dismissed.

Sir J. Grant concurred.

The *Advocate General*. I hope your lordship will not allow costs, to a party guilty of such gross libels.

Sir E. Ryan. We have no grounds before the court Mr. Advocate, for assuming that the allegations are libels.

*Bill dismissed with costs.*

RAMDHON GHOSH, REPRESENTATIVE OF MUDDENMOHUN GHOSH, DECEASED, versus RAMAMUND GHOSH.

Mr. Morton opened the pleadings. The plaint was on the common counts for money lent and interest, laying the promises both to the deceased and the plaintiff. The plea was *non assumptis*.

Mr. Clarke stated, that this action was brought to recover the balance due upon a Bengaltee instrument in the nature of a bond, given to secure a loan of Rs. 1,600. This was the case in which their lordships had discharged the rule nisi on Thursday, for the postponement of the trial, obtained on the alleged ground of the absence of two material witnesses for the defence. There was an order drawn up by the court under the new rules, compelling the other party to admit the execution of the instrument, in default of having appeared to shew cause before a judge at chambers against making such admission.

Sir E. Ryan said, that the order was incorrectly drawn. The rule in question, R. 59, gave no power to compel the admission of any document, but merely allowed a discretion with respect to the costs of proof, in the event of a refusal to admit the execution.

Mr. Clarke said, that the order had certainly appeared to him inaccurate, and he was prepared therefore to prove the instrument in the regular way.

The subscribing witnesses were then called, and the instrument and consideration were proved, also the fact that the plaintiff was the only surviving son. The sum of Rs. 838 were allowed by the plaintiff, as having been paid on account of interest, and a verdict was taken for the balance.

*Verdict for the plaintiff.\**

SHAIK BENGALLY, BUTCHER, versus SHAIK PEAR ALLY.

Mr. Leith opened the pleadings. The plaint was for goods sold and money lent.

Mr. Clarke stated the plaintiff's case. Part of the claim was for the principal and interest of a loan, and the remainder for the value of certain cattle sold to the defendant. Witnesses would be called to prove the transactions, and an admission of the debt on the part of the defendant, coupled with a promise to pay.

Evidence was given to shew that the parties had agreed to settle their money disputes, that they met at defendant's house, and that the defendant eventually agreed to pay Rs. 1,600. A written statement of the court was intended to have been drawn up on the following morning.

The *Advocate General* (with whom was Mr. Prinsep) for the defence contended, that this could not be received as proof, since it was clearly nothing more than an attempt to compromise the threatened action, and was an offer made merely to purchase peace.

Sir Edward Ryan thought that it was evidence, and conclusive unless the other side could rebut it.

*Verdict for the plaintiff for Rs. 1,600, each party paying his own costs.*

SYED MERAH versus ABDOL GUNNER.

Mr. Bursell opened the pleadings. This was an action upon the common counts. The plea was the general issue.

\* Mr. Clarke in the course of the day suggested as a general point of practice though immaterial in this case, as the plaintiff had obtained a verdict,—that according to rule (24) of the new plea rules, it was unnecessary to prove that the plaintiff was the legal personal representative. That rule provides, that the character in which the plaintiff sues shall not be considered in issue unless expressly denied.

The Court acquiesced.

The *Advocate General* appeared for the plaintiff, who is a Mahomedan trader. Several commercial transactions had taken place between these parties, and the plaintiff claimed the sum of Rs- 2,064, as the balance due to him.

After a lengthy examination and cross-examination of witnesses on both sides, it was agreed, at the suggestion of the court, to refer all matters in difference between the parties to arbitration, the costs of this action and of the award to be in the discretion of the arbitrator.

The *Advocate General* and Mr. Barwell for the defence.

*Referred by consent.*

**RAMTOONOO SEAL versus BROWNER DHUR, HEIN AND REPRESENTATIVE OF RAJESSEN DHUR.**

Mr. Clarke and Mr. Leith appeared for the plaintiff. The claim was for Rs- 2,125.

The defendant had put in an appearance, but had not pleaded, and now appeared in court personally, to confess the action.

*Verdict for the plaintiff.*

The chief justice intended that he should sit alone to-morrow (this-day) at eleven o'clock, to take common motions.—*Hurkaru*, June 30.

## SUDDER DEWANNY ADAWLUT.

JUNE 5, 1838.

(Before J. R. Hutchinson, Esq. Judge.)

A petition was presented for an appeal by a party to a suit tried before the judge of zillah Tirhoot.

The petitioner stated, that a person named Shibchunder, who resided within the district of Tirhoot, had become security to another person for the payment of a debt due to him by a third party. The original debtor having failed to pay this debt when it became due, the creditor sued both the debtor and his security for the amount, and, having obtained a decree in the zillah court of Tirhoot, he seized some lands and houses for the execution of his decree, situated within the jurisdiction of the zillah court of Dacca, as the property of Shibchunder the security. The petitioner admitted that these lands and houses had been formerly the property of Shibchunder, but he had sold them to the petitioner long previous to his becoming security for the debt, for the liquidation of which they were now seized. He further added, that he was a resident within the district of Dacca, and consequently not amenable to the jurisdiction of the court of zillah Tirhoot. He therefore prayed the Sudder Court to reinvestigate the merits of his case, and order the replevin on his lands and houses to be withdrawn.

The value of the party who had seized these lands, &c. as the property of Shibchunder, replied that at the time that Shibchunder became security for the payment of the debt for the realization of which the property which this petitioner claims to be his, had been seized, he had represented to his client that the property in question was his, and it was on this very property that his client had consented to accept the security of Shibchunder. The judge was of an opinion, that there were sufficient grounds to admit the appeal to be heard, and it was ordered to be registered accordingly.

JUNE 4, 1838.

(Before E. R. Barwell, Esq. Commissioner.)

Several proprietors of lands in a zillah appertaining to

the Bengal presidency, petitioned the commissioner against the collector of that zillah.

The petitioners stated, that the collector in question had in one day decided the cases respecting their lands against them, and that they had subsequently petitioned the collector for official copies of the decisions passed by him on their cases, which he had refused to grant on the plea, that by the time these documents could be furnished to them, the period of three months allowed by the regulations from the time of the decisions being passed in their cases, to file their appeal to the superior court would expire.

On perusal of those petitions, the commissioner, directed a precept to be despatched to the collector, desiring him to forward to the superior court his replies to the charges instituted against him by these petitioners. The collector thereupon made his return, in which he stated, that he conceived that the period of three months allowed to any dissenting party from his decision to appeal to the superior court, commenced from the date of the decision of their case and not from the time when the order passed by him was engrossed and ready for transcription, as these petitioners conceived it to be, and consequently as three months would expire from the date of his award in their cases, before they could obtain copies of the documents they required, and file their petition of appeal before the superior court, he had declined furnishing them with official copies of these documents.

After the receipt of this return of the collector to the precept directed to him in this case, Mr. E. R. Barwell, the commissioner of the Sudder Special commissioner's court, took up the matter pending on these petitions, and after he had carefully perused the petitions and the collector's reply to the charges urged against him or them, he decided that in his opinion, the period of three months allowed to a dissentient party to appeal from the award of the minor court to the Sudder Court, commenced from the date on which the orders on their cases were ready for transcription, and directed the collector to furnish the documents required by these petitioners.—*Hurkaru*, June 15.

## SUDDER REVENUE BOARD.

MAY 16, 1838.

THE SETTLEMENTS TRANSFERRED TO MR. LEWIS.

The secretary to Government in the revenue department, informed the secretary to the revenue board, that the Government had at the suggestion of the revenue board, approved of the transfer of the settlement

department to Mr. Lewis, as a temporary measure, and desired the members of the revenue board, to put him in immediate possession of it, as this measure would enable Mr. Tucker, now in charge of this department of the business, to resume his usual business at the board, and thus supply the vacancy occasioned by the absence of Mr. Walters, who has proceeded to sea.



**TRANSFER OF THE BACKERGUNGE DIVISION OF THE SUNDERBUNDS FROM THE DACCA DIVISION COMMISSIONER TO THE COMMISSIONER OF JESSORE.**

Government has, at the suggestion of E. M. Gordon, Esq., backed by the recommendation of the Sudder board of revenue, been pleased to transfer the control over the proceedings of the divisions of the Sunderbunds, appertaining to the sillah of Backergunge, from the surveillance of E. M. Gordon, Esq., the commissioner of the 16th or Dacca division, to the superintendence of Dasopier, Esq., commissioner of the 18th or Jessore division; and the secretary to the revenue board was directed by the secretary to Government, in the revenue department, to inform the two aforesaid commissioners of the transfer.

**DEFALCATION IN THE CALCUTTA COLLECTORATE.**

Defalcation of sicca rupees 5,014 was lately discovered to have occurred in the office of the collectorate of Calcutta, whilst it had been under the superintendence of Mr. C. Trower. This was duly reported to Government, and his honour the Vice-President in Council,

after minute inquiry and due deliberation, informed the secretary to the revenue board, through the medium of the secretary to Government in the revenue department, that Government did not consider the case of this defalcation attributable to Mr. Trower, nor did it attach any blame regarding it to that gentleman in his official capacity; therefore his honor the deputy Governor of Bengal, did not consider that gentleman in any way blameable or responsible for this deficit.

The revenue board was further informed, that the revenue accountant had been directed by the secretary to Government in the revenue department, by the orders of the Vice-President in Council on this subject, to write the amount of this defalcation, in his account of the revenue, to the profit and loss entry in his books, with a memorandum that the amount is to be debited conditionally to Holloddhar Roy. In the event of the bills for the amount of this deficit being found, the amount is to be recovered by a bill from the said Holloddhar Roy, as the discovery of these bills are considered by Government to be necessary in order to prove his responsibility for this amount.—*Hurkaru*, June 26.

**SITTINGS IN THE SUDDER DEWANNY AND NIZAMUT ADAWLUT.**

Since the commencement of the present month the judges of the courts of Sudder Dewanny and Nizamut Adawlut, have commenced their private sittings in which they adjudicate matters submitted to the court as a joint body, twice a week, instead of once a week, as was formerly the case.—*Hurkaru*, June 26.

**TIRHOOT.**

**PRINCIPAL SUDDER AMEEN'S COURT, MAY 28, 1838.**

(*Ubdool Wahid Khan, Bahadoor.*)

This case was originally instituted in the court of the moonsiff of Mudepoor. The plaintiff sues three individuals, viz. Premjha, Hemunjha, and Shamjha, for a bonded debt of Rs. 200 with 11 Rs. 8 As. interest that has accrued thereupon. The defendants contest the demand by denying the genuineness of the tumassook; and producing witnesses to prove as much. The plaintiff substantiates his plea, by the depositions of witnesses, who swear to the money claimed, having been paid to one of the defendants, and to the rest being parties to the instrument produced in court. The moonsiff decrees the suit in favour of the plaintiff. The defendants appeal; the case is referred to the former principal Sudder ameen, by whom the decision of the moonsiff is reversed. The respondent resorts to a *khas* appeal, i. e. to the court of the additional judge, who, considering the grounds of the decision of the principal Sudder ameen as inconclusive, refers the case to this Court.

This day the principal Sudder ameen examined the case, and had all the papers on the file read. It was discovered that two of the vakeels, a *mookhtarkar* and the stamp vender attached to the moonsiff's court, named by the respondent as witnesses to the defendants' preventing him by entreaties from prosecuting him, some time before the institution of the suit, had not been called in by the principal Sudder ameen. This court thought it desirable to have them produced, and gave the vakeel of the respondent two weeks' time for that purpose. The vakeel of the appellant, was also permitted to produce, if he wished it, any other witnesses or proofs in support of his side of the question.

In the course of examining the file of the proceedings in the case, the *fysula* of the moonsiff was read. Ere it had been gone through, it struck the court that half of the *fysula* related to one, and half to another case. The under part of the paper had been added evidently by carelessness or accident, without the incongruous junction having been discovered, by any of the courts through which the file had been travelling in quest of a final decision; and but for the watchfulness of this court, it might have had to stand a second *khas* appeal.

**ADDITIONAL PRINCIPAL SUDDER AMEEN'S COURT.**

(*Shoojaooden Ulles Khan, Bahadoor.*)

On entering, we found the court engaged with a suit respecting the right by law, and fact of occupancy, to certain real property, lustily being contested by four vakeels. There was apparently so much said by all of them, several speaking at once, that if the court could by any possible means, remember but a tithe of what was spoken for and against the merits of the case, we warrant the result would be the most inconclusive conclusion, at which any judge or jury could arrive. We were utterly foiled in our attempts to make anything of the business. The court, however, patiently endured the wrangling of the legal twigs, and seemed to be very much at its ease, as to the drift of the speeches addressed to it, as if out of a four-mouthed speaking trumpet.

In the midst of the hubbub, we caught the eyes of the court, which led to the inquiry, "what is that gentleman about?" One of the vakeels, who had seen us perpetrate our mischievous work in the other courts,

explained the sum and substance of our business, with which the Khan seemed satisfied; and turning to us asked, whether we should like to consult any of the papers in the file, to furnish ourselves with accurate data for our reports. We should have accepted the offer, but contented ourselves with replying, that we would at present rather dispense with any other mode of preparing our reports than that which we have hitherto adopted.

#### THE PUNDIT'S COURT.

There is yet another court at this station to be noticed. We have several times passed by it, while it sat in the verandah of the building in which the magistrate's kut-cherry is held; but could not possibly suppose it to be a court of justice. We had taken the whole concern as the *durbur* of the nazir, or dafter of one of the pleader's practising here. Being told this morning what it meant, we took a closer survey of it than it had deserved, without a label to point it out. "This too is a judge; and this is a court of justice!" To this court criminal cases are referred by the magistrate,—sometimes with a direction, that if the case turned out to be a serious one, it should be sent back for trial to the magistrate's court. The Pundit seemed to be a quiet, harmless personage, with two smart right and left hand men, to help him to sustain the labours of justice.—*Hurkaru*, June 18.

#### THE JUDGE'S COURT, MAY 25, 1838.

Since our appearance in this court, we had no apprehension that our avocations would prove unpleasant to the authority that presides over it, we could not possibly anticipate any thing but ready encouragement in the prosecution of our labours. Publicity, we should have imagined, would be courted where there was a consciousness of the characteristics which adorn the bench. Our first report will offer a satisfactory testimony of readiness to set in the fairest point of view, as we are in justice bound to do, those qualities which are entitled to approbation, and this we shall continue to do wherever and whenever we may have opportunity.

Adulation we hold in contempt; but we shall never forget ourselves so far as to withhold the meed of praise when the authorities deserve it. On the other hand we have fearlessly brought to the notice of the public every thing that required to be dragged from mofussil obscurity to the knowledge of the world. Of this nobody that values the weal of the community, the impartial distribution of justice, the correction of abuses which seldom find the light of publicity through any other channel, can possibly question the advantages. And we always had an impression on our mind, not yet obliterated, that the appearance of public reporters in the mofussil courts could not but be appreciated by Government, likely as it is to be left totally in the dark, respecting a thousand things and circumstances which transpire at a distance from the presidency. Such has been and are our views; and we persuade ourselves that we are not harbouring chimerical notions.

When we made our *début* as a reporter at Monghyr, we had our fears; we did not, we frankly own, expect that ready and civil encouragement in those courts which we were satisfied would by no means belong withheld. The authorities there not only offered no hindrance to the prosecution of our duties, but seemed to help us forward, though we are sure the freedom of our remarks was calculated to rouse into irritation the corrupt passions of human nature, and expose us at least to the exhibitions of some tokens of the displeasure of those who had not been accustomed to have their public proceedings roughly handled, or freely commented on; still they took no means of obstructing us of even indirectly exhibiting any hostile feelings. We were readily accommodated with a seat, though there were not wanting people, among those who frequented the courts, who regarded our being allowed to sit in court as reprehensible. It was argued that it was a mark of the favour of the court towards us; for what was more monstrous in the mofussil than to permit any person not a functionary to be sitting in open court!

At Bhaugulpore, too, every facility was afforded us by all the authorities; nay, they seemed to be studious to render us perfectly satisfied that we were before liberal-minded judges and magistrates, who desired no kind of concealment from the eyes of the public at large. They seemed rather to Court publicity; and both there and at Monghyr, we pursued and terminated our career without the slightest impression on our minds that we could possibly give umbrage. Had we published any misstatements we should have been happy to have had our mistakes rectified: we courted no favour, but we received kindness freely.

On our arrival at this station, we heard a rumour that our pursuing the avocations of a reporter would not be relished by the authorities; but we gave no credit to it: we went quietly round the courts and were much gratified by what we saw in some of them. We readily laid the result before the public. To-day we appeared in this court and took our stand not far from the bench in a part of the court-house to which the vakeels and others freely resorted, and where we ourselves went several days without any objections being raised. But when we went to-day with pencil and paper in hand, we were desired by the judge to place ourselves there where the populous was standing—a place so far removed from the *presence* that we are certain we shall not be able to catch distinctly what transpires about it. There was not another individual, vakeel or moottear, in the place where we had stationed ourselves, we incommoded nobody: we were merely taking notes in our memorandum book placed on a kind of railing that separated us from the vakeels, &c. that were standing before the court. Whatever might have been the object of the direction we received this-day, we cannot view it in any other light than as a manifestation of those sentiments which we were on our arrival at this district told to expect. We were unwilling to call away the attention of the court from the case which it was then occupied upon; but we intend to bring the matter formally before the judges, as it is obvious that we cannot rely on the accuracy of our reports, if we have not an opportunity of distinctly hearing the proceedings.—*Hurkaru*, June 23.

## MISCELLANEOUS.

## CALCUTTA.

**MEETING OF THE GOVERNOR WITH RUNJEET SING.**—It is said that a large force, under the command of Major General Duncan, will proceed, soon after the rains, towards Ferozepore, on the Sutledge, in which neighbourhood the meeting between the Governor-General of India and the ruler of the Punjab, will take place. The force will consist of one regiment of native cavalry, a troop of European horse artillery, two squadrons of Her Majesty's 16th lancers, one regiment of European, and five of native infantry.

**THE GOVERNOR OF SERAMPORE.**—The Hon. Mr. Hanson having been appointed Governor of Serampore, by His Majesty the King of Denmark, arrived in the river on the 20th instant, and landed in Serampore the next day at noon, under the salute due to his rank.

**THE BHOTAN EMBASSY.**—Within the last few days, letters have been received in this city from the British embassy in Bhotan, from which we learn, that Captain Pemberton and party have abandoned their original plan of proceeding into Thibet, and may be expected in Calcutta towards the latter end of June.

**THE CULNA AFFAIR.**—Mr. Shaw, who had gone in company with Mr. Hedger to attend the investigation at Burdwan, had been again arbitrarily seized by order of Mr. Ogilvy, the magistrate, who was still in power there, and dragged through the streets to the cutcherry; three men having seized him to effect that purpose, without any previous warning. After having been kept in the compound for upwards of an hour, (his papers having also been taken possession of,) he was admitted to the "presence," where he found Mr. Ogilvy on the bench, and another person, whose name Mr. Shaw was not acquainted with. He requested Mr. Ogilvy to inform him who the gentleman was; but Mr. Ogilvy declined. Mr. Shaw insisted on his right to be informed who it was, by whom he was to be judged; whereupon both the gentlemen on the bench rebuked him harshly, and paid no attention to his protest, against the examination of his private papers. Mr. Ogilvy at length said, that he considered Mr. Shaw's bail to be invalid, and that, therefore, Mr. Shaw was to be detained in custody. Upon this Mr. Hedger, who had hastened to the scene, on hearing of Mr. Shaw's arrest, informed Mr. Ogilvy, that as he Mr. Hedger, had been bail for Mr. Shaw, he considered himself discharged from all further responsibility. To this Mr. Ogilvy demurred; but Mr. Hedger informed him with firmness, that as he had chosen to take Mr. Shaw again into custody, he had, *ipso facto*, freed the bail, and that Mr. Hedger should act accordingly. Thus Mr. Shaw was again incarcerated by a proceeding so arbitrary, that we should have thought no magistrate would have dared to have exercised his power in such a manner upon a British subject, since, at least, the revolution. As to the investigation which has been going on there, it seems from the accounts received, to be worse than mockery. Mr. Ogilvy, who stands accused of the highest crime known to human law, was actually conducting the investigation. He has, however, been temporarily removed from his acting magistracy—a course of proceeding which will secure an impartial investigation of the affair. Mr. F. C. Smith, condemns as especially indiscreet and improper, the conduct of Mr. Ogilvy, subsequently to the first arrest of Mr. Shaw, and the magistrate has been accordingly summoned to Calcutta.

Ogilvy, and a criminal information against Mr. Barlow for improper neglect in the discharge of his magisterial and judicial duties, no less than *thirteen* civil actions, arising out of the Culna affair, have been instituted by different parties against the first-named gentleman, who has been arrested by Mr. O'Hanlon, the magistrate, but bailed on two lacs of rupees.

The preliminary proceedings in the case of the pretender to the raj of Burdwan, commenced before the magistrate of Hooghly on Monday. Pertaub Chund was in the cutcherry, the greater part of the day, having portions of the documentary evidence read. He admitted many of the letters addressed by him to neighbouring Rajahs. On Tuesday, Mr. Shaw and Mr. Graham attended on his behalf. Neither of these gentlemen had taken out a *moaktar-nameh*. There was no objection to his cross-examination of any of the witnesses on any points relating to himself; and he very frequently addressed the magistrate. The proceedings were not of much importance. The *soi disant* Rajah was not present on Tuesday.

On the 14th instant, seven other witnesses were examined for the prosecution in Mr. Ogilvy's case, in the course of which one of the witnesses said, his son was one of the people shot, and gave other particulars which we are requested by the magistrate to withhold, also the other evidence given. At the conclusion of this day's examination, Mr. Prinsep observed, that no distinct evidence had been heard of Mr. Ogilvy's giving the order for the firing. In reply to which, Mr. Longueville Clarke said, that very plain evidence had been given on that point.

The final examination of witnesses for the prosecution and defence, in Mr. Ogilvy's case, concluded at seven o'clock on the 22d instant. The nazir and darogah of Burdwan, were the two last witnesses examined for the defence. The former deposed, to his being sent for by Pertaub Chund, and to his going on board his budgerow, and to his having received a letter written in English for the magistrate, but which he returned to the bearer of it; and also to his having received two other letters written in Persian, from Pertaub Chund. He could not state the hour he received the letters, nor from whom they came. They were signed by Rajah Pertaub Chund. He directed the bearer of the English letter to send it himself to the magistrate, if he wished it to be sent. To the bearer of the two Persian letters, he gave no reply, but sent the epistles to the magistrate, after the disturbance was over. The contents of one of the Persian letters was a request to him, the nazir, to point out or say, how many and what part of Pertaub Chund's followers he wished to disperse. He further said, that he informed the magistrate of the whole of the proceedings; but when cross-examined, he stated, that he was about to inform the magistrate of the letter he had received, but was interrupted by the magistrate's saying, "insert all in your report." This conversation took place on his way with the magistrate and others, to Mr. Alexander's house. He saw the sepoy's load their guns, but could not say whether they put balls in or not. He was on the bank of the river when the sepoy's were drawn up in a line. A boat was seen making off from Pertaub Chund's boat, and the Captain ordered two guns to be fired over them. They were fired; then three others were fired, and afterwards many others were fired, one after another. He did not hear Mr. Ogilvy give any orders to fire. Mr. Ogilvy was in

It is said, that besides sundry indictments against Mr.

his sight all the time. Deponent further said, that forty-two burkundazes had been sent to Culna, by a person in Prawn Baboo's, or the Raja of Burdwan's employ. He saw them on the banks of the river. After some further questions were put to this deponent, the darogah was called.

The darogah deposed, that no riot or disturbance had taken place on the part of Pertaub Chaud's people.

In many instances he denied what the nazir had stated. He was examined as to the deposition he had made before Mr. Ogilvy at Burdwan, and, respecting which, he could give no explanation. He said, that he could neither read Bengallee nor Persian; that the nazir had done all. He gave further evidence, which we are not permitted to publish. Mr. O'Hanlon said, that himself and Mr. Robison thought the affair was bailable, and he doubted not but that such would be his determination on the following day. It was then intimated, that the same bail which had been given, would again be offered. Mr. Leith, addressing the magistrate, said, that he had no wish to throw the least obstacle in Mr. Ogilvy's way, but that it was for the magistrate to consider the heavy amount that would be required to bail Mr. Ogilvy, and the efficiency of that bail.

Ross Donnelly Mangles, Esq. and John Lewis, Esq. have since become bail for Mr. Ogilvy's appearance, to stand his trial at the next sessions of oyer and terminer. Messrs. Prinsep, Ogilvy, Mangles and Lewis, were closetted with Mr. O'Hanlon; but the subject of their confabulation has not yet transpired, as all reporters were prevented from entering the room. Nobody attended on behalf of the prosecution.

**BURDWAN.**—In consequence of the failure of the Ranees of Burdwan to pay the Government revenue with punctuality, the Sudder Board of Revenue have, on the report of the local commissioner, directed that immense zemindarries to be brought under the jurisdiction of the court of wards. This will eject Pran Baboo, who is the brother of one Ranees and the father of the other, from all management of, or concern with, the property.

The commissioner for the division, will proceed by dawk to carry these orders into effect, and in person make arrangements for the future control of the estate.

**PILGRIMS TO JUGGURNAUTH.**—Letters have been received at Calcutta from Balesur, and other stages on the way to Juggurnauth, stating, that the pilgrims proceeding to that place, to witness the approaching festival of Ruthjatra, are immense; and that the price of provisions has, in consequence, considerably risen almost everywhere, a circumstance which has inconvenienced the poorer orders very much.

**CIVIL APPOINTMENT.**—Mr. F. Halliday succeeds Mr. R. D. Mangles, as secretary to the Government of Bengal, in the judicial and revenue departments, an appointment calculated to give general satisfaction.

**THE BERENICE.**—By private letters of the 19th ultimo, received from Bombay, we learn there was a rumour at that presidency, that the *Berenice* would be despatched, not to the Red Sea, with the May packet, but to the Persian Gulph with troops, in consequence of disturbances having broken out in that quarter.

**POLITICAL APPOINTMENT.**—It is said, that Captain Wilkinson, the political agent, is to be transferred from Chota Nagpore to Barra Nagpore, and that Captain Eric Sutherland is to succeed Captain Wilkinson. Major Sutherland, they say, has been offered the resi-

dency of Hyderabad; should he accept it, Colonel Spiers will go to Gwalior, and somebody else to Rajpootna. Major Sleeman is spoken of, as likely to be appointed superintendent of police for all India.

**JAIL OF CALCUTTA.**—The great jail of Calcutta is at present, and has been for some days past, crowded to excess by debtors in large and small amounts, and criminals from different parts of the country—many debtors are there on account of small debts of nine and ten rupees.

**INSURING GOODS.**—The recent action brought by the consignee of goods against the insurance office, (although the ultimate decision of the court on the legal question was in favour of the defendants) has suggested to most insurance offices the adoption of the measure of precaution by inserting in every policy a clause somewhat to the effect following:

"It is hereby further declared that nothing herein contained shall be construed or taken as a guarantee or affirmation on the part of the assurers, that the above-mentioned goods or any parts thereof have been or shall be laden on such vessel or any other, and that no such guarantee or affirmation is hereby intended to be given by or on behalf of the assurers, to the assured or to any person or persons whatsoever, before or at the time of granting this policy."

**EXTORTION OF THE THANADARS.**—That worthy gentleman, J. H. Patton, Esq., the magistrate of the 24-pergunnahs, has ordered notice to be stuck up both in Bengallee and English, at the boundary guard at Malaul's durgah and elsewhere, authorizing any person or persons to take into custody any one found extorting from the vendors of fish, vegetables, or other articles, and hand him or them to the police authorities.

**KIDNAPPING.**—Several cases of kidnapping have been brought to light during the month, which call imperatively for the interference of the Government to check the abominable system of enslaving the people, which has been for some time going on. In one instance, at Chuckerbarre, thirty-two individuals were released from imprisonment in a goal, guarded by an armed burkundaze force, and where some of these unfortunate wretches had been confined for about five months, and from what we learn, dealt with very cruelly. One old man, in particular, had been daily subjected to flagellation, for refusing to comply with the requests of his captors, and when he was released, his back presented a truly pitiable sight, being horribly scarified and inflamed from the asps of the neck downwards. Information has also been received by Mr. Patton, the magistrate of the twenty-four pergunnahs, that several hundred individuals are confined in different parts of his district and the town of Calcutta, and he has instituted a search for their prisons. Much praise is due to the indefatigable magistrate and Mr. Dias, who has been mainly instrumental in bringing this affair under the cognizance of the magistrate, for their exertions to release the unfortunate kidnapped individuals from durance vile and ultimate slavery. We hope the miscreants who have been the prime movers in this nefarious traffic, will be brought to condigna punishment.

**JUNE 11.—BRUTAL AND COWARDLY ASSAULT.**—Mr. Charles Augustus Krefting, the youngest son of the late Hon. Jacob Krefting, Governor of Serampore, appeared before the magistrate this day and presented a petition to the following effect: That on the night of Sunday last, he called on a Mr. F. Lynch, (who reside in Armenian Bazar, Entally, and with whom he was on terms of intimacy) on private business, when he was

suddenly assaulted by several inmates of the house. He was first of all thrown on the steps by two burkandauzes, who held him one by each arm. Lynch then sprang upon him and seated himself across Krefling's chest, and while in this defenceless state he beat him across the face with his clenched fists in the most cruel and unmanly manner. When Lynch had got tired of this mode of ill-usage, he laid hold of Krefling by the hair of his head, which latter he kept dashing against the step for some time. When he was released by Lynch and his myrmidons, he was delivered into the hands of chokkedars, who conveyed him to the Mannicktollah thanah, and after having been kept there upwards of two hours, the thanadar was pleased to release him. The confinement and release was done without the knowledge or consent of Sergeant Dyson, to whom Krefling stated all the particulars. Mr. Krefling's clothes were actually torn from his back, and a new hat was stolen from his head. Several ladies and gentlemen who were at Allipore as witnesses against Lynch, informed us, that they had heard Lynch and a fellow named Baboo Oboychnurn Doss, assert, some days previous, that the first time they caught hold of Krefling they would either beat him severely or murder him outright. Mr. Krefling never gave any cause whatever for this unmanly treatment. His face is in a shocking condition; he can scarcely see out of his eyes, and his forehead is cut and bruised in a most shocking manner.

Mr. Krefling attended the magistrate this day, Monday, when the depositions of his witnesses were taken and he applied to Mr. Patton to admit Mr. C. B. Marnell, junior, as his attorney, to conduct the prosecution against Lynch, which was granted.

**DACOITY AND MURDER.**—On the 24th of June, a dacoity was perpetrated in the house of a baboo at Sulkeah, by a band of nearly one hundred armed men! who cruelly murdered two men, and severely wounded three others. The object of the villains, in attacking the house of the baboo was to obtain possession of twenty thousand rupees, which he had received the day previously; but they were disappointed in their expectation, as the money had been sent to Calcutta. They, however, took away property to the amount of twelve thousand rupees. Strange to say, the whole of this large body of dacoits, after perpetrating the murders within three miles of Calcutta, with torches burning, and playing their flutes, drums, &c., effected their escape and remain undetected!

Several dacoities attended with murders, have lately been committed within a short distance of Calcutta, with impunity, the villains almost invariably effecting their escape; and latterly these robberies seem to have greatly increased. This state of affairs, calls loudly for a speedy reform in our police system. While the police committee are maturing their plans for the amelioration of the system, peaceable citizens are being pulled out of their beds and murdered, by bands of lawless marauders, who roam the country *sans peur*, undeterred by the imbecile police of the mofussil.

**CAPITAL PUNISHMENTS.**—It appears that the statistical inquiries which the committee of the Capital Punishment Society has instituted, have led them to the conclusion, that milder penalties are more efficacious in all cases, and that the total abolition of Capital Punishments, would be a measure equally of humanity and expediency.

**SUICIDE.**—On the 28th of June, between the hours of five and six o'clock, Mr. Charles Dossa, a respectable East Indian, residing in north road Entally, was discovered suspended by a rope from the ceiling of his bedroom. His friends who live but a short distance from

the house where this tragic scene occurred, were immediately informed of the circumstance, and they lost no time in repairing thither; when, finding the body still warm, they cut it down, but life was quite extinct.

**AN EUROPEAN FOUND DROWNED.**—On the 20th instant, the thanadar at Howrah, reported to J. H. Patton, Esq., that an European was found drowned that morning, whose body washed on Sulkea ghaut.

**CRIM. CON.**—The decent monotony of mofussil life has recently experienced a slight shock at a station not 100 miles from Dinapore, in consequence of the sudden fancy of a married lady, the wife of a staff officer, to occupy the bungalow of a gallant son of Mars, distinguished for his literary and theatrical talents. The attraction is said to be purely platonic; but, nevertheless, the gentlemen of the long robe, are about to institute a cold matter-of-fact inquiry into all the pros and cons.

**CASE OF SEDUCTION.**—An East Indian, who is a writer in one of the public offices, lately seduced a young female, who, it appears, had formerly been a ward of the Free-School, and had been subsequently apprenticed to a milliner. He, under some pretence, took her on board a boat in the river, and there, after effecting his purpose, left her completely destitute. Information of this occurrence was conveyed to Mr. A. Garstin, the secretary to the Free-School, who proceeded to the ghaut, where the boat was moored and brought the girl out of it, and took her to the residence of the chief magistrate, who took down her depositions in which she charged the young man with a rape. He was consequently arrested on the charge, and gave bail for his appearance at the police office to defend himself. The case was fixed for trial on Monday, the 21st instant; but as the prosecutrix has not yet made her appearance to conduct the case, it is to be supposed, that the affair has been hushed up.

**SEDUCTION AND BREACH OF PROMISE OF MARRIAGE.**—Mr. T— appeared at the police office, accompanied by his daughter, to prefer a charge of seduction and breach of promise of marriage, against one Mr. William T—, who is on the eve of marriage with another party. We could not ascertain what decision the magistrate passed in the case, but we heard Mr. T. loudly declaiming against the gay Lothario, who, we sincerely trust, will be made to pay the penalty of his covert gallantry.

**STEAMER ENTERPRISE.**—The hull of the steamer *Enterprise*, which was put up for sale to-day at Messrs. Moore, Hickey and Co.'s auction room, for the second time, was, we hear, again bought in—the highest bid being but 7,000 rupees.

**SHAFT OF THE BERENICE.**—What the skill of the Bombay engineers was unable to effect, and what in truth they despair of getting effected out of England, has been successfully wrought by the superior scientific ability of Major Forbes. The shaft which was preparing at the mint, for the *Berenice*, has been completed under the able superintendence of that officer; and we consider that the simple fact speaks more than anything we can presume to utter, as to the praise he may justly claim for having thus shewn our friends the ducks that a remedy was nearer at hand than they had ventured to imagine.

**SHIPWRECK.**—The American ship *Gasper*, has been totally wrecked near Hooghly Point.

**DISTRESS IN THE UPPER PROVINCES.**—The following extract of a letter shows the great distress prevailing in the upper provinces:

MAY 27, 1838.—The present state of things in this part of the country, presents matter for consideration, in my opinion not less interesting to the legislator than

to the philanthropist. The city and suburbs of Agra are supposed to contain a population of 80,000, and now nearly an equal number of paupers from the neighbouring districts may be added. By the last daily report, the burials by the police were 400, and were from three to four hundred for several days before—say 10,000 a month, at which rate the whole population, ordinary and accessory, would be swept off in sixteen months. From 100 to 150 per diem, of those taken to the asylum die within twenty-four hours, from the impossibility of restoring the exhausted powers of nature, impaired as they generally are by disease. It is understood, that of the low caste village servants, few beyond those now congregated at Agra and other places, where relief is afforded, survive. Even of the small renters a large number have perished, others have abandoned their lands to escape from claims for rent or debts due to mahajuns, which they had no means of satisfying: but a still more extraordinary fact is, that some who hold rent-free lands have fled to other parts of the country, deserting their rights in despair. Everywhere are some roofless villages, and even large towns thinned of half their inhabitants. So utter has been the destruction of agricultural capital, that unless Government will advance to the remaining zemindars the means of purchasing the necessary cattle and seeds and supporting the labourers, there can be no cultivation, however favourable may be the approaching season for agricultural purposes. Mark that this does not proceed from any actual dearth of provisions. The markets are well supplied with corn enhanced indeed in price by the expense of bringing it from a distance, but not so dear as to be beyond the reach of the labourer employed at the usual rate of hire. Does not this shew that the root of the evil lies in that part of the agricultural system that makes the labourer dependant on the *profits*, and not on the *wages* of his own individual labour? The labouring agricultural population becomes multiplied to the utmost extent that an average season will afford surplus falls below the average, they borrow; when it exceeds it they refund. In such circumstances the failure of two crops successively, necessarily brings with it utter privation without resources. The capitalist may, on reduced means, support a smaller number of labourers, and those who are cast adrift may starve; but the ryot who has by the failure of one crop, exhausted his means of borrowing, must perish with all his family, if the second crop does not yield a sufficient return to subsist upon till the first crop of the following year is realized. Half a crop will not be applied to the maintenance of *half* the population for six months, but of the *whole* population for three months, leaving the *whole* no resource for the remaining three months. Such is the cottar system. Such has it been found in Ireland, and if not equally destructive in the Highlands of Scotland, it is because in seasons of distress the landlords racked their means and their credit to support their dependants. The prosperity of a neighbouring district affords no resource to the population of the less fortunate. That is already stocked choak full of labourers, and can employ no more. Perhaps, indeed, a few hundred families may find room in *new* lands, as has happened this year at Dehra Doon. Even the village manufacturer or artisan perishes in the ruin of his customs. To see clearly where the mischief originates, is one step towards the discovery of the remedy. The legislature treats the zemindar as a contractor for the rents of certain lands, of which rents it leaves him a share for his trouble and responsibility. It does not assign to him, but to the cultivators, the fruits of superior culture or of a succession of favourable seasons. He is interested in affording the ryots assistance only when that is indispensable, and only in so far as it is so for the realization of his rents. He has no further interest than that, either present or prospective, in agricultural improvement, and practically his concern and interference are limited precisely to the attainment of that single object. Then comes the ryot who is just able to pay his rent and support himself and his family, while

another harvest is preparing. Thus, of the whole produce, the only part that is not consumed by the actual labourer and the tax-gatherer, is that which is sold to pay the Government dues. The most intelligent persons here estimate the Government share at one-sixth of the next produce, after deducting seed and food for cattle. Supposing the share of the zemindar to be another one-sixth then two-thirds remain to repay the *labour* of production. Were the zemindar the party entrusted in raising the produce to the maximum of value at the minimum of expense, he would of necessity become a capitalist. Very possibly *more* produce might not be raised than is at present, but the surplus after payment of labour would undoubtedly be far greater. A much smaller portion of the whole population would be altogether dependant in the course of the seasons, and there would be a fly-wheel power or compensation-spring in the hands of the farmers to equalize irregularities. Here is a great legislative object, the means of accomplishing which may not be very obvious or easy of attainment, but are surely well worth the consideration of the council.

**LIGHTNING.**—On the 6th instant, the gunpowder magazine at Howrah, had a narrow escape from destruction by lightning. The south-east corner was struck and a piece of the masonry knocked off. The sepoy on guard gave the alarm expecting every moment the magazine would explode. On examination, however, it was found that the building was but slightly injured and the lightning had not penetrated the interior.

**THE SOCIETY FOR THE ACQUISITION OF USEFUL KNOWLEDGE.**—The second monthly meeting of the society for the acquisition of useful knowledge took place at the Sanscrit college-hall on Wednesday evening last. The business of the meeting commenced with a discourse on anatomy delivered by Baboo Rajkissen Dey, a student of the medical college. The discourse was a creditable one. After he had taken his seat, Baboo Uday Chaud Addy delivered a speech in Bengallee on the vernacular tongue, pointing out the imperfect state in which it is at present, and the ease with which it may be rendered copious and expressive; and shewing the necessity on the part of his countrymen to cultivate it. The Baboo spoke at considerable length. The Reverend Mr. W. Adam, who is famous for his familiar acquaintance with the vernacular tongue, was present on the occasion, and expressed himself highly gratified with the Baboo's style.

**THE HINDOO CHARITABLE INSTITUTION.**—The second annual examination of the pupils attached to the Hindoo charitable institution, and the distribution of prizes to such of them as had rendered themselves deserving of the same, took place at the Town-hall on the 13th instant. This institution, which affords instruction in English to a number of boys whose parents are void of means to pay for tuition elsewhere, is principally conducted by Baboo Gopaul Laul Mitter, a student of the Hindoo college. The examiners, Mr. Hare and Rajah Kalikissen, expressed themselves gratified with the progress the students have made.

**THE EAST INDIA POLITICAL REGISTER.**—The prospectus of a periodical, under the above title, to appear once a week, commencing from Saturday, the 9th of June next, has been circulated. It is to be of the size of Cobbett's *Political Register*, containing thirty-two closely printed columns, and giving the fullest detail of all English, foreign, and domestic news, parliamentary debates, &c.

This journal is to be edited by T. Beresford Gahan, Esq., late proprietor of the national advocate, and a special magistrate in the West Indies, and now a resident at Calcutta. The register has since appeared, and we are of opinion, that the editor has mistaken his vocation. If we may form an opinion from the rabid nonsense the journal contains, we would say, that the

best thing the editor could do, would be to locate himself forthwith in Mr. Beardsmore's asylum, and entrust himself to the safe-keeping of that gentleman.

**MISSING MAIL.**—The Calcutta dawk of the 16th of May, for Delhi, Meerut, Shaharunpore, Loodianah, Simla, Subathoo and Umballa, is reported missing after passing Mymoree with all letters and papers, but under what circumstances, there is no information; and from the length of time that has elapsed, it is to be apprehended, none is forthcoming.

**MR. PEARSON.**—We are informed that Mr. Assistant Surgeon John Thomas Pearson, is likely to be appointed assistant surgeon in medical charge of Dorjeeling.

**WAX-CLOTH VERSUS CAOUTCHOUC.**—Previous to determining upon the substitution of caoutchouc for wax-cloth, it has been deemed advisable to have a certain quantity prepared for the purpose of ascertaining how far, in common wear and tear, it is superior or even equal to wax-cloth, its comparative cheapness with the usual cost of the latter being undoubted. In conformity with this design, a small piece of caoutchouc cloth was lately submitted to a committee, who, it appears, after testing its quality by various experiments, have pronounced it inferior to wax-cloth, and not at all calculated to constitute a *saving* substitute, which it was expected to form.

### MOFUSSEIL.

**DELHI.**—The skeleton of a human body, measuring nine feet four inches, was dug up by miners, near the southern extremity of the Hymalayan mountains, during the past month, at a very short distance from the surface of the nearest stratum of mould.

Captain Abbot, of the artillery regiment, reached Delhi from *Mhow*, some days ago, having been neither stopped nor robbed on the way up.

Captain Abbot, merely *heard* the voices of some fifteen horsemen, who passed on the *closed* side of his palanqueen, at about twenty yards distance from it, and after whom a "hue and cry" was raised, by a rabble of villagers, near Humeergurh.

The rise of the river Jumna, has carried away the bridge of boats at Rajehat.

Rumours of the murder, in Persia, of Mr. McNeil, the British representative, prevail at Delhi and the neighbouring stations.

The artilleryman, Cotter, who was sentenced to death, by a general court-martial, lately assembled at Kurnaul, underwent his sentence in presence of all the troops at that station, on the morning of the 8th instant. The unfortunate man met his fate with great firmness, and marched round the square with a steady and deliberate step, keeping as exact time with the music, as if he had been one of a funeral party following a comrade to the grave.

**PURRUKE NUOGER.**—Several natives of Delhi, to whom the Nawaub of this zillah is indebted, lately made a representation to the Governor General, in which they stated, that they could not sue the Nawaub in the Session Judge's Court, for the recovery of their debts, as the judge of that court would not try complaints against a man of the Nawaub's rank. In reply to this, His Excellency very properly directed all complaints from parties within the Company's jurisdiction to be heard against the Nawaub, and adjudged.

**AGRA.**—Government have refused to acknowledge the claims of Mirza Kamber, to be considered as heir to his late father Prince Sooleeman Shakoh. One branch of the native noblesse has thus been cut off.

Slight shocks of an earthquake were felt at the station on the 26th and 27th ultimo, but very imperceptibly. They were most distinct beyond the city.

Captain Runbeer Singh, an officer in the Nepaul Rajah's service, lately passed through Agra on a mission to Candahar.

The late revisit of cholera in the 23d regiment has nearly ceased, but the native portion of the troops are still suffering with fevers to an unprecedented degree for Agra. The native part of the community is tolerably healthy, at least that part of it which is pretty well sheltered from the intense heat of the season; but amidst the miserable employed or unemployed destitute poor, who have assembled here, the mortality is quite appalling. The state of the weather is most appalling from intense heat and sand; the burden of the atmosphere is altogether almost unendurable.

**MYNPOORE.**—A bhany dawk from Calcutta was recently plundered near this station. No particulars have transpired beyond the precincts of office.

**JAJEMOW.**—On the 28th ultimo, the house on the Jajemow estate, the residence of Mr. J. Amman, adjoining Cawnpore cantonments, was entered by 70 or 80 armed depredators, who managed to carry away property to the amount of 8,000 rupees, chests of drawers, &c. were broken open by hatchets. Mr. Wilson, the magistrate, repaired instantly from his residence at Nabob Gunge to the spot, but the thieves had by that time gone away with their booty. However, it is hoped, that they will not escape unpunished. Mr. Amman was from home during the outrage, and Mrs. Amman with her two little children and her mother-in-law, Mrs. Trickett took refuge in a fisherman's boat which happened to be at the ghaut. The chokeedars were unable to offer effectual resistance; three of them were severely injured in opposing the attacking party.

**NEEMUCH.**—The remains of the Joora force were expected to return to this station by the 29th instant. Nobody appearing inclined to take the country, it was abandoned to the lawful and most lawless owners. None of the murderers for whose apprehension the force was sent out have been apprehended, so when was the business managed?

**MUSEERABAD.**—Heavy showers of rain have recently fallen here and in the neighbourhood.

**MORUL.**—Cholera is raging here with great violence. On the 28th instant twenty people are said to have died in one hour, and from that time till the succeeding day, not one, who was attacked, escaped.

**CAWNPORE.**—The heat is intense; much sickness prevails amongst the European troops, especially Her Majesty's 3d dragoons. Eight funerals took place on the evening of the 2d instant, at the calvary end of cantonments. Every door on the windward sides of the dragoon barracks is closed at night "by order," and not a breath of air sufficed to perflate these densely inhabited buildings. The prevailing sickness, which partakes much of the nature of apoplexy, cannot be attributed to want of exercise, as the dragoons are indulged with riding school every morning, and frequently enjoy foot parades, which last until dark in the afternoon.

**ALLAHABAD.**—The following is an account of a dreadful whirlwind at Allahabad:

On Saturday, the 2d June, (that is the day before yesterday,) the whole sky looked strongly hazy, and the barometer for three or four days previously having indicated the approach of bad weather. I left office rather early in order to be at home when the gale should come on. About 5 o'clock, we were at dinner when the room became so very dark, and there was such a cry of surprise outside amongst the natives, that I went out to see what was the matter. The whole sky was *blood-red*, not with clouds, for there was not a cloud to be seen, and, overhead moved immense masses of dust; but below there was not a breath of wind! The people said they never before saw such a sight.

Shortly after, it became dark and the wind moved on strongly, carrying with it the sand and dust. We collected together in the compound, to witness what was going on, and it soon became so extremely dark, though the sun was still up, that we could not see one another at the distance of two yards.

The darkness was not only visible, but tangible, and as each volume of it passed, the light from above flashed down like lightning, so that those whose eyes were not thoroughly stuffed up could get a glimpse of what was going on around. It was really terrific. At last there came on a dreadful crash; every thing moved from its place, bundles of bamboos clattered along, branches of trees, crows, and tiles were swept furiously past, and the frame-work of the tiled roofs shook like a sheet, sending a shower of tiles up with every shake. It now became much clearer; but soon after this, there was another dreadful gust accompanied with total darkness. I left my tent and staggered about trying to get to my family, as by a great crash of tiles and the sound of falling timbers, I thought they were buried under its ruins; but I could see nothing. Thank God I found them safe, but the building was much shattered. Some rain with hail and thunder now came on and the sky consequently cleared. Chairs and tables, a large bed, and the other usual furniture of a room had a reel about the compound; every rope of the tent having snapped, and the traps made their escape. Such a storm was never remembered by that venerable authority, always appealed to in such cases,—the oldest inhabitant. The loss on the river must have been dreadful, but I have not yet heard anything particular. On shore, people were dashed into ravines, and against walls and trees, others suffered by the falling of buildings and trees, and many were cut by tiles, and I understand that two dead bodies have been picked up. I forgot to mention that a few days ago about seven in the morning we had a slight shock of an earthquake.

Now, this has a good deal of the marvellous in it; and would read well in the *Wonders of the Universe*, or any other veritable work on the mysteries of nature; but it only forms the first course to a rare treat;—so, be prepared to give your powers of belief a little further relaxation. Yesterday, at the same hour, on it came again, though not heralded in with so much grandeur; but I will not tell you with so much minuteness; let it suffice, that the gale was very dreadful throughout; but, at one particular moment, it was more like a thunderbolt than the effect of wind. Buildings, and even trees of great size, were laid prostrate in the twinkling of an eye. The Sudder Board office is in such a state of wreck, that another house has been taken for the business, and the disarrangement and injury done to the records, will much impede the public business for some time. Several bungalows are irreparably injured, and the tiled houses of the native are every where unroofed. Even the Sudder Dewanny offices, which are thoroughly pukka government buildings, had sustained injury. We hear of many people having been injured. I heard one man crying who was crushed under a tree, and it is wonderful that any who were out, were able to save themselves, for the tiles were quoited down at times with sufficient force to split a man's skull. All my own property is injured, and a great proportion of it, is utterly destroyed. When the great gust came on Mrs. \* \* and I were standing at the door of the little building I before mentioned; the terrific rain that accompanied its bursting upon us, made me determine to run to the open garden. The moment I said "we had better run," Mrs. \* \* ran forward, that door being to the leeward, instead of keeping under the wall;—but just then down came the roof upon us. I heard her shriek, and after getting close to the place myself, I looked for her and found that she

was still buried under the rubbish. I screamed to the people, who were about the compound, but could get none to hear;—when I attempted to run forward against the wind, I was, really moving backwards, and it was with the greatest difficulty that I managed to keep about the spot. My own strength was not of the slightest use in extricating Mrs. \* \*, and I tried to lift the roof which I found had fallen edgewise across the small of her back with a beam of wood. Fortunately, I at last made myself heard, and a man came to my assistance, and we got Mrs. \* \* out, wonderful to say, unhurt, except from a few slight bruises. Thank God it is over, and so well over. Beams of wood with nothing attached to them, to give them wings, flew fifty yards. A rabbit coop which takes six men to lift, jumped away about thirty feet,—a tree growing in a grove was lifted up into the air carried over a compound wall, right up to the door of the dwelling. I need not give you any other specimen.

It is really worth while to see a dust storm up here at any time; you can have no idea of the sublimity of the approach. There is nothing admirable afterwards. The day before yesterday my mouth got so full of dust, that I looked as if a rajmistry had been feeding me with a handful of cutcha plaster. The whole station is in consternation.

I learn that the barometer indicates a still more severe storm for to-day than either of the last. If so, God help the poor inhabitants.

HUSSINGABAD.—Letters from Saugor, of date 2d June, state that a most daring dacoity had been lately committed at Hussingabad. The rascals attacked the city, adjacent to the cantonments, so early as half past seven o'clock in the evening, cutting down every one who opposed them, killed five men and wounded several, and carried off 15,000 rupees in money and goods. Major Ouseley has his people in active pursuit, scouring the country in every direction, but with what success, has not yet been ascertained.

#### NATIVE STATES.

HERAT.—It appears that Herat has at length fallen to the besiegers. The son of Dost Mahommed Khan had previously proceeded with a considerable body of horse to pay his court to the King of Persia. Dost Mahommed Khan has now himself treated with the King, and to incite the latter to attempt the conquest of Hindoostan, has assured His Majesty that Cabul and Candahar are prepared to obey his bidding, and that he may deal with these countries as in his wisdom and mightiness he may think fit, provided only he will aid him in the invasion of India. Thus there seems every prospect of a very promising flare-upon our frontiers!

LAHORE.—Ukhbars from Lahore state, that on the Maharajah being informed that a letter had arrived for him from Captain Burnes, announcing his withdrawal from Cabul, his Highness observed, that Dost Mahommed Khan might live to rue the day, and it was now clear enough that that chief believed he had made a better book with the Russians. Sirdar Ummur Sing remarked, it was impossible to say what such a combination of powers might effect, but that, if it were every man for himself, the khyburwalla, with his one hundred thousand horse and twenty-five thousand infantry, might come down when he pleased. He would encounter Sikhs, who have been victorious in the mountains in Mooltan and in Cashmere.

JURROON.—The Rawul Berce Sal expired here on the 27th ult. His death, it is thought, proceeded from apoplexy. Luchwan Singh, his nephew, succeeds him in his regency for the present. Chorla still rages.

ULWAR.—The reforming Rajah of this state has not reformed his own barbarous and inhuman habits. He recently ordered the hands of a Moosah to be cut off,



and the poor wretch to be, in this condition, exposed outside the gate of the city, where he expired from loss of blood. Before life had become extinct, he was attacked and half devoured by swine and carrion birds! This unfortunate creature's crime was, that as a sentry on duty on the palace some years since, he became cognizant of the murder of a thakoor, who had, while engaged in an angry dispute with the Rajah, kicked his highness in the belly, an insult which so enraged the other thakoors present, that they murdered the author, as he retired by the passage which the Meenah guarded.

Nor is the cruelty of this Rajah confined to his own direct acts. He sanctions, and even encourages the atrocious crime of suttee, two instances of which occurred in his estate, within the last seventeen months, one of them at Ramghur. Yet this is in the face of a positive pledge given by him to Government, that he will discountenance and prohibit this barbarous rite!

**BOKHARA.**—By letters received from merchants at Bokhara, it appears, that Shah Morad, the ruler of Bokhara, considering himself as an old friend to the ruler of Herat, had forwarded an army, consisting of four thousand musketeers, for the protection of the territories of the latter. When they got near the fort of Gorgan, spies took information to the chiefs of the Iran army, that forces from Turkistan had arrived for the aid of Herat, and their intention was to enter the fort. On this, measures were adopted to stop the progress of the said army, and the consequence was, that they were obliged to return home disappointed.

**CAUBOOL.**—The chief of Caubool lately held a council of the wise heads of his empire, to consult about the best means to be resorted to for the safety of the state. The chief requested to know whether it would be wise for him to form alliance with the chiefs of Hindoostan, or with the people of Iran. Some of them maintained that the latter ought not to be done, as the Iranians belonged to the *Shea* sect of the Mahometan creed; but this objection was overruled by one of the Moulavees stating, that inasmuch as the *Sheas* are not prohibited from reading Namaz and the Koran, and they perform the pilgrimage to Mecca, and other ceremonies prescribed by the Mahomedan religion, there can be no harm in making friendship with the ruler of Iran. The chief approved of the remarks, and made up his mind to send one of his sons to Iran.

#### MADRAS.

**ICE HOUSE.**—The good folks in Madras, have determined on leaving the luxury of ice afforded them, and are about to erect an ice house.

**ERECTION OF A THEATRE, &c.**—It is said, that some public-spirited gentlemen at Madras, have projected a scheme for an establishment to comprise a theatre, an assembly room, and accommodation for the Masonic Lodges working at Madras. It is calculated that a sum of about 35,000 rupees will be required to compass these objects, and this is proposed to be raised on the principle of a joint-stock company, in 700 shares of fifty rupees each.

**LORD ELPHINSTONE.**—The report of the recall of Lord Elphinstone, is not true.

**MR. HARRY VIVEASH.**—This fortunate gentleman has come in for a fortune of £100,000, by the death of his cousin, and is now Harry Baskerville, Esq.

**MESSERS. BANNERMAN AND GARROW.**—The commission to investigate the charges preferred by Mr. Bannerman against Mr. Garrow, is now complete. It consists of Mr. Stonhouse, Mr. Babington, and Mr. Ashton.

**THE NABOB AND HIS FAMILY.**—His Highness the Nabob and his family, after embarking on board the *Herefordshire* and proceeding to sea for twenty-four hours, have returned without accomplishing the object of their voyage. The mother of his Highness suffered so se-

verely from sea-sickness as to create serious alarm and uneasiness in the mind of her son, who was induced to join her in requesting Colonel Walpole to get the Captain to steer back to Madras. The Nabob by all accounts is a good sailor, and was quite well on board, but the rest of the party were in the most deplorable state. The trip including passage-money, &c. cost fourteen thousand rupees!

**THE TANJORE COMMISSIONERS.**—The H. C.'s sloop *Amherst* arrived at Madras, for the purpose of conveying the ex-Tanjore commissioners to Calcutta, and they received a notice to be on board on the 2d instant last, but not having completed their arrangements, and believing that Government would order the ship to wait here for a few days longer, they neglected to obey the summons of Captain Jump, who has actually sailed without them, and left them to experience the inconvenience of not taking a jump in time.

**CAUSEY CHITTY.**—That ill-fated man, Causey Chitty, has at length, after an incarceration of nearly a quarter of a century, obtained his liberation, unconditionally.

**ROBBERS.**—A short time since, as Mr. Babington's party were travelling through the Salem district, on their way to Coimbatore, they were attacked, near a place called Tripotara, by a gang of robbers. The leader seized and stopped the palanquin of Miss Molle, a young lady who accompanied them; but not being steadily supported by his less valiant companions, he was knocked down and beaten off by the bearers.

Shortly after the same set made an assault upon the baggage, but there also meeting with superior opposition, they took their revenge by stoning the defenders of the property, and spoiling the beauty of some of the female followers.

**THE BARQUE STAR.**—The barque *Star*, which left Malacca on the 26th ultimo, with a detachment of the 48th regt. N. I. on return to Madras, got aground off the coast of Lookoet on the 30th ultimo, and little hopes were entertained for her preservation. The *Fanny*, which arrived at Malacca, on her way to Singapore, with the head-quarters of the 8th N. I., disembarked the troops, and went to the assistance of the *Star*, but had not returned at the date of the last advices. The *Star* narrowly escaped an attack while conveying a detachment of the 8th to Malacca, having been surrounded by five piratical praoes, but owing to the gallant assistance of the troops and the prompt discharge of a few volleys of musketry, an attempt to board was not made.

**WAR WITH BURMAH.**—On dit, that dispatches have been received by Government bringing the following unfavourable intelligence from Ava. "*King Tharrawaddie had positively and finally refused to receive a new resident, or to comply with any of the other demands which were insisted on by the agents of Government.*" If this information be correct, a war is inevitable, and the necessary preparations will soon be in progress.

#### BOMBAY.

**EXTRAORDINARY FALL OF ICE.**—At Nowloor, in the neighbourhood of and about two miles from Dharwar, there fell, a few days since, a block of ice or a body of hailstones in one mass, which measured nineteen feet ten inches. This extraordinary mass fell on a Sunday night, and on the Wednesday succeeding a servant, who was sent for the purpose of bringing away a pail full of the bulk, reported that the mass then still remaining was as large as three palanquins.

**INDUS TRADE FAILURE.**—The four boats which left Bombay in April for the Indus, with a return cargo for Loodiana, have failed in entering that river, off the mouths of which they with difficulty escaped shipwreck, and have returned to Mendavee with damaged cargoes. One of them was thrown on her beam ends by the heavy

swell which sets in there at this season, but fortunately righted again. The poor men have been kindly relieved by the resident, Colonel Pottinger, but it is to be regretted that any attempt was made so late in the season.

**WAR WITH PERSIA.**—The course of events in Persia has called for an armed interference on the part of the Government of Bombay. An armed force is to proceed the Persian gulph forthwith, according to directions received from Lord Palmerston, and take possession of the island of Karack, which is situated a little to the northward of Bushire. The ridiculously small number of 600 sepoys, is to be despatched on this expedition.

**THE WRECK.**—The following is an extract from a letter which has been received from Captain Jump, of the Hon. Company's ship *Amherst*, who was directed on his voyage down the coast to survey the spot in which the wreck of a 600 ton ship was said to have been discovered by Capt. Green of the *Triumph*.

"At  $\frac{1}{2}$  past 5 P. M. I went myself in the cutter to examine the wreck, and found the peel of a mast 8 to 10 feet above water, and a small spar about 4 feet above water. This must evidently belong to a large buggalow, being a rough poon spar 18 to 20 inches in diameter, and the smaller one appears to be the yard (of poon also). The heel of the mast is much bleached, and the part under water is covered with barnacles, showing it must have been there some time.

They must not be very secure in that description of vessel, must have got unshipped, and is now hanging by rigging. In that case it would give way to a concussion such as that of a ship running against it, and not be more dangerous than a large fishing stake.

Captain Green's bearings were pretty correct."

Captain Green, however, must have been very short-sighted, not to distinguish the difference between the mast of a buggalow and that of a large ship. He besides said nothing about the spar being loose, although his men tried to detach it, and not a word was spoken of the barnacles.

**DUTY ON NUTMEGS.**—The Government has thought proper at last to give up the duty imposed on nutmegs, &c. on being imported into the island.

**ANOTHER REVOLUTION EXPECTED AT GOA.**—There is a rumour among the Portuguese population of Bombay, that another revolution is on the point of being perpetrated at Goa. According to the latest accounts from that unfortunate city, a private notice had been received by the secretary to Government, that three of the regiments had leagued together to take up arms against the constituted authorities, the object of the combination being, to depose the Governor and certain others of the leading functionaries, with the exception of the Commander-in-Chief. The reason assigned for this movement, was the irregularity in the payment of the troops, who are now, it would appear, three months in arrears. The embarrasments of the Portuguese Government may in some measure be accounted for, by the necessity that occurred lately, for the fitting out of an expedition which proceeded to Macao, for the purpose of supporting the Governor of that place, who, but the last accounts, was in daily expectation of being compelled to abdicate, on account of his having rendered himself exceedingly unpopular with his new subjects as well as obnoxious to the Chinese authorities. The force sent, consisted of 270 soldiers and sailors, who left Goa on the 15th ultimo, in a corvette. Should the threat of a rising at Goa be put in execution, there can be but little doubt of its success, as the military there are all powerful and have invariably succeeded in cashiering their chiefs, civil or military, when prompted to do so by that impatience of control so habitual to troops serving under a weak and impoverished Government, the conduct of which easily affords a pretext for rebellion.

**THE INDIAN NAVY.**—The pay of lieutenants in the Indian navy is to be increased sixty rupees per mensem, by the addition of batta at the rate of Rs. two per day. The allowance to captains of steamers from passage-money to the Red Sea is to be reduced to Rs. three hundred instead of as at present Rs. four hundred.

**BUILDING OF SEVENTY-FOURS.**—Orders have been received from England for the construction at Bombay of two seventy-four-gun ships, for the royal navy. This will put the dockyard establishment in motion, and lead to a good deal of bustle in the building department. These vessels for want of room in the regular docks, are to be built at Cross Island, which will thus be turned to good account, and perhaps be rendered permanently very useful as an auxiliary to the dockyards.

**DISCOVERY OF THE SOURCE OF THE RIVER OXUS.**—The interesting discovery of the source of the river Oxus has been made by Lieut. Wood, of the Indian navy, attached to Captain Burnes's mission. This celebrated river rises among the mountains of Pameer in Sirkool, from a lake nearly fifteen thousand six hundred feet above the level of the ocean, and encircled by lakes on all sides except the west, through which it finds a channel. To the late Captain Burnes and Lieut. Wood have given the appropriate name of "lake Victoria."

**SECUNDERABAD.**—Accounts from Secunderabad state, that the present is one of the severest seasons that has been known there for many years, the thermometer being in the shade 104 degrees. There has been no rain, and consequently no decent forage is procurable. The fruit trees are drooping fast, notwithstanding all the watering and care bestowed on them. The troops are, however, extremely healthy. Murders and robberies are common in the neighbourhood of the camp.

**THE TURKS.**—It is said that a Turkish force has overrun one of the finest of the south-western provinces of Persia. Should then the force sent up to the gulph be of no further service, it may yet be extremely useful in restoring this unfortunate province to a state of order. We have heard no further particulars.

**THUGS.**—An extensive execution of persons convicted of thuggee has taken place at Mangalore, and no less than eight of these miserable enemies of mankind perished on the scaffold. A large number is also on the road to Madras for transportation to Moulmein.

## BURMAH.

*Moulmein Chronicles* of the 28th of April, have been received during the week. Affairs seem to be in *status quo*. Major Benson, of the H. C. 11th native infantry, and late military secretary to Lord William Bentinck, proceeds immediately to Rangoon, in the room of Colonel Burney; and we shall soon learn how far the determination of Tharrawaddie not to treat personally with any representative of the British Government, will be persevered in.

In the mean time the clouds are collecting on our Nepaulese frontier.

Mr. Blundell and the British residents at Moulmein, assisted by a few Burmese and Chinese, have subscribed Rs. 1,117 to the famine fund for the north-west frontier.

**THE LATE HEIR APPARENT.**—The late heir apparent, it appears, was put to death in the most violent and outrageous manner, usual forms in all cases of executions of any of the royal family, having been dispensed with,—he was dragged forth and beheaded like a common criminal. That he had been guilty of attempting to recover his rights of which he had been deprived by the usurpation of the present king, has not yet been established on sufficient evidence.

The execution of the young late heir apparent to the throne, has been followed by that of a great many individuals connected with him. The measure is said to have proved most unpopular throughout the country. A correspondent writes, "Tharrawaddie's measures are becoming very unpopular among the people—a perfect

change is visible since the period of this Woodcock's arrival. But I am convinced, that the ruling passions of the Barmese are those of patriotism and loyalty. I would say, they would willingly join any party, to be from Tharrawaddie's Government."

"But for the salutary check of the advice of the more moderate of his court, I believe, the King would long since have broken out in open war. He believes his star to be in the ascendant; perhaps, believes himself destined to expel us out of India. At all events, he cannot know how far Providence is in his favour, till he has a quarrel with us, an event which he seems to covet rather than to dread."

Coal has been found, in large quantities in Mergui.

THE GEORGE SWINTON STRUCK BY LIGHTNING.—On the 23d of May, the *George Swinton*, was struck by lightning, by which the fore-mast and top-masts were shattered, but her gallant and lower masts escaped with little damage. No person on board was injured.

THE VICEROY OF RANGOON.—Accounts from Rangoon mention that the viceroy of that place begins to manifest a better feeling towards the English residents there. The shoe-order has been restored to its former footing at the top of the stairs, or at some other respectful distance from "the presence."

The viceroy has also abolished or modified the orders in respect to head-coolies, which will probably remove some vexations, attending unloading and joining vessels.

But the most remarkable act of the Rangoon viceroy is, that he has lately decided receiving a handsome and valuable present from an European merchant, who had the honour of an audience soon after the shoe-order was rescinded.

#### SINGAPORE.

PIRACY.—We have advices from Singapore to the 10th May, but there seems nothing of importance stirring at that settlement. Piracy, however, continues to flourish.

A most barbarous act of piracy and murder was committed on the crew of a small boat consisting of four Chinese, all mere lads, on their way from Rhio to Singapore. At the entrance of the Straits of Rhio, in the vicinity of the Pan Shoal, she was set upon by a sampan containing six Malays, who boarded her and butchered in cold blood, three of the poor Chinese, apparently with no other object than to gratify their diabolical cruelty, as there was nothing for them to plunder; the other was left on board cruelly mangled, and weltering in blood, and probably owes the preservation of his life to the belief of the savages that he was also dead. He was three days in the most deplorable condition, suffering from his wounds, and subsisting on the leaves of trees growing on the beach, towards which he had contrived to paddle his boat, when he was fortunately fallen in with by a sampan pukut, and taken to Singapore, where his wounds have been attended to.

DESTRUCTION OF PIRATES.—The *Diana* steamer was on the 18th of May, off Tringganu, in company with her Majesty's sloop *Wolf*, engaged in action with a fleet of six large Illanoon pirate prahus, as they were in action with and nearly capturing a junk that had sailed a few days before from Singapore laden with a valuable cargo for China.—It appears from Captain Congalton's account, that the pirates were discovered about 9 o'clock in the forenoon by the *Wolf*, as they were attempting to enter Tringganu road, where she was then lying at anchor; but on perceiving her they stood out to sea and attacked the junk under sail some miles distant. The *Wolf* instantly got underweigh, but without her armed boats or the gun-boats attached to her, which had been ordered to a neighbouring island in quest of another fleet of pirates that were reported to have committed depredations upon some Tringganu. The steamer was seen from the *Wolf* to the northward at about noon, when Captain Stanley immediately despatched his gig and jolly boat to her, well armed and manned with

directions to Captain Congalton to down to the junk; but it was not until half past 4 o'clock, that the steamer thus reinforced, reached the pirates, who were then a little astern of the junk, and repeatedly fired on her as she neared them. As soon, however, as she took a position, she poured in such a murderous fire on each of the prahus that their decks were soon cleared, and on a breeze springing up five of them hoisted sail, leaving their *commodore* in the large prahu to continue the action. She was, however, soon silenced, boarded, and brought astern of the *Diana* pass sunset; but finding she was in a sinking state, Captain Congalton cut the tow rope and left her to her fate after taking out the prisoners, while the *Diana* proceeded in chase of her consorts; but they escaped with the darkness of the night, aided by some squally weather that followed. There was no doubt, from the severe manner in which they were mauled by the *Diana*, that these prahus will never again be fit for sea, and that the remainder of their crews have had an awful lesson for their temerity, nearly one hundred and forty having been killed and wounded, and thirty taken prisoners out of three hundred and sixty, the number which the fleet is stated to have been composed of. The prahus were from fifty to sixty feet in length, each mounted with a long 4-pounder and numerous swivels, in addition to muskets, blunderbusses, spears, &c.

The *Wolf* returned into harbour on the 2d of June, having left her armed boats, together with the gun-boats belonging to the station, to prosecute search after the prahu which escaped in the rencontre. On the day following that occurrence, the *Wolf* was joined by the boats, (which had been absent on a cruise to some islands on the coast) and were instantly despatched in pursuit by Captain Stanley, with orders to proceed in the direction of the *Redang* islands to which it was considered likely the pirates would resort for the purpose of refitting; the boats of the *Wolf* having, on a previous visit to this island, discovered traces of a piratical rendezvous at that place, with decks for laying up the prahus, &c. As the piratical fleet was in a manner cut off from the main land, besides being at the same time in too disabled a state to permit of their continuing their course homeward, there seems every probability of the expedition of the boats to the *Redang* islands being attended with success. The only probability against it, in the minds of those who were present at the encounter, and witnessed the crippled condition of the prahu that escaped, is, that they all went down during the tempestuous night which succeeded the engagement.

#### CHINA.

Files of Canton papers to the 20th May, have been received during the month.

The creditors of Hing Tai have determined on memorializing the home Government respecting the postponement of the settlement of their claims by the Cohong.

The opium trade still continues much embarrassed, and scarcely a prospect of improvement. The advices from Peking are very unfavorable to the probability of any legislative interference to protect the importation.

Captain J. T. Lancaster, formerly of the *Caledonia*, Bombay ship, lately of the *Agnes*, at Lintin, in consequence of the difficulties of a situation in which it devolved on him to keep many and complicated accounts, to which he had been hitherto a stranger, and which had for some time irritated his mind, and induced him to believe that he could not give satisfaction to his employers—an impression which was not founded on fact, his owners being, on the contrary, perfectly contented with his management; became unsettled in his mind and a fever with which he was afflicted during the last three days of his life, probably assisted in subverting his reason altogether, and on the 10th of March, he went on shore at Lintin, proceeded inland and blew out his brains.

## GOVERNMENT NOTIFICATIONS.

**PORT WILLIAM,  
LEGISLATIVE DEPARTMENT,  
THE 29TH DECEMBER, 1837.**

The following Regulation, made by the Hon'ble Court of Directors, under the authority given to them by the Act of the 37th George III. Cap. 117, is published for general information, by the Orders of the Hon'ble the President of the Council of India in Council:

**Preamble.** Whereas by a Regulation for rescinding and re-enacting with modifications the provisions contained in Regulation VII 1814, for regulating the Trade of Foreign Nations with the Ports and settlements of the British Nation in the East India, made and passed by the Court of Directors of the East India Company on the 12th of August 1810 and which was promulgated by the Governor General in Council on the 16th January 1830, by the Governor in Council of Port Lt. George on the 3d of June 1831, and by the Governor in Council of Bombay, on the 31st of March 1830, it was declared.

That Foreign European Ships belonging to any State or Country whether having a Settlement of its own in the East Indies or not, and Ships belonging to the Empire of Brazil so long as such States, Countries, and Empire respectively should remain in amity with His Majesty, might freely enter the British Sea Ports and Harbours in the East Indies, whether came directly from their own country, or from any of the Ports or Places in the East Indies, they should be hospitably received, and should have liberty to trade there in Imports and Exports conformable to the Regulations established in such places, provided that it should not be lawful for the said Ships, in time of War between the British Government and any State or Power whatever, to export from the said British Territories, without the special permission of the British Government, any military Stores or Naval Stores, Saltpetre or Grain. The said Ships might also be cleared out for any Port or Place in the East Indies, but if cleared out for Europe, or for any port in the Empire of Brazil, they should be cleared out direct for the country to which such Ships should respectively belong.

That the Trade between the British Possessions in India and the United States of America should be continued to be regulated by the Convention of Commerce between Great Britain and the United States of America, signed at London the 3d day of July 1815.

That nothing in the said Regulation should be construed to affect the provisions contained in the then existing Regulations for defining the duties to which the trade of Foreign Nation was and should be subject at the Ports and settlements of the British Nation in the East Indies.

And whereas doubts have arisen how far the terms of the said recited Regulation would permit any Foreign Ships to carry Goods, not in their original Cans, from one Port to another, or to carry on the coasting or country trade.

And whereas it is expedient that such doubts should be removed, and also that the liberty of trading with the said Ports and settlements should be extended to the Ships of some Foreign Countries not mentioned in the said Regulation, the Court of Directors of the said Company by virtue of the powers granted to them by the Act passed in the 37th year of the Reign of His late Majesty King George the Third, entitled "An Act for regulating the trade to be carried on with the British Possessions in India by the Ships of Nation in amity with his Majesty," have rescinded so much of the said regulation as is hereinbefore recited, and in lieu thereof have framed the following Regulation.

Foreign Ships belonging to any State or Country in Europe or in America, so long as such States or Countries respectively remain in amity with His Majesty, may freely enter the British Sea Ports and Harbours in the East Indies, whether they come directly from their own Country or from any other place, and shall be there hospitably received. And such Ships shall have liberty to import into such Sea Ports from their own respective Countries Goods the produce of their Countries; and to export Goods from such Sea Ports to any Foreign Country whatever, conformably to the Regulations established or to be established, in such Sea Ports. Provided, that it shall not be lawful for the said Ships. In time of War between the British Government and any State or Power whatsoever, to export from the said British Territories, without the special permission of the British Government, any Military or Naval Stores, saltpetre or Grain; nor to receive Goods on board at one British Port of India to be conveyed to another British Port of India on Freight or otherwise; but nevertheless the original inward Cargoes of such Ships may be discharged at different British Ports, and the outward Cargoes of such Ships may be laden at different British Ports, for their Foreign destinations.

THE 3D JANUARY, 1838.

The following Act is passed by the Hon'ble the President of the Council of India in Council on the 3d January 1838, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.  
Act No. I. of 1838.

I. It is hereby enacted, that from the 1st February, 1838, all Regulations of the Bombay code passed before the year 1827 and now in force, with the exception of Sections I., II., and III. Regulation VI., 1799, and of clause 2, Section VII., Regulation IX., 1800, and of Sections XIV., XVII., XX., XXI., and XXV., Regulation I., of 1801, and of the whole of Regulations II., 1810 and VI., 1814, shall be repealed. And it is further enacted that Act No. II. of 1833, shall likewise be repealed, except in so far as it repeal any regulations of the Bombay code.

II. And it is hereby enacted, that Chapters I., II., IV., VI., VIII., and IX., of Regulation XX., 1827 of the said code together with the Appendices A, B, C, E, H., I., J., K. of that Regulation, also Regulation II., 1831, Regulation XIII., 1831, Regulation I., 1832, Regulation IV., 1833 and Regulation IV., 1834 of the said code, and all such parts of any Regulations of the said code as prescribe the levy of transit or inland customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any other regulations, for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same shall be repealed.

III. Provided always, that a thing contained in the two preceding sections of this act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll or any bridge, road canal, or caseway for repair and in maintenance of the same; or of any fee for the erection and maintenance of light houses.

IV. And it is hereby enacted, that duties of customs shall be levied on goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 15th January next, according to the rates specified in schedule A annexed to this act, and with the exceptions specified therein, and the said schedule with the notes attached thereto shall be taken to be a part of this act.

V. It is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any ports of the Bombay Presidency after the said 15th January next, according to the rates specified in schedule B, annexed to this act, with the exceptions therein specified, and the said schedule with the notes attached thereto shall also be taken to be a part of this act.

VI. Provided, however, that the ships of any European nation having African privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, any thing in the schedules or in this act notwithstanding.

VII. And it is hereby enacted, that duties of customs shall be levied on goods passing by land in or out of foreign European settlements, situated on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in the schedules of this act, for goods imported or exported on foreign bottoms at any British port, in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by notice to be published in the Gazette of that Presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that Presidency shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British foreign bottoms or as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of customs as above provided on goods exported by land to or imported by land from such foreign territories customs, chokas may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokas shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof, and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company until the owner or person in charge thereof shall produce and deliver a certificate showing that the customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of customs duties and grant certificates of the payment thereof, and that such a certificate being delivered to any chokas officer shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of duty leviable on those goods to have been duly paid. And if upon examination the goods brought to any chokas be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty

leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in council shall give public notice in the Official Gazette of the presidency of Bombay of the appointment of every officer appointed to receive customs duties on goods crossing the land frontier of the said foreign territories, and the officers so appointed shall on receipt of money tendered as customs duty be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods with the values and description thereof according to the statement furnished by the person so applying, provided only, that the proper duty leviable thereupon according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any chooker that shall bear date more than thirty days before the date when the goods arrive at the chooker. Provided however, that any person who has taken out a certificate from any authorized receiver of customs duties shall at any time within the said period of thirty days on satisfying such receiver that such certificate has not been used and on delivering up the original be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in council to prescribe by public notice in the Official Gazette of the Presidency of Bombay by what routes Goods shall be allowed to pass into or out of any such foreign territory, as is described in Sections VII. and VIII. of this Act. and after such notice shall be given, goods which may be brought to any chooker established on other routes or passes than those so prescribed shall, if provided with a certificate, be sent back, and if not provided with a certificate shall be detained and shall be liable to confiscation by the collector of customs, unless the person in charge thereof shall be able to satisfy the said collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed or which an attempt may be made to pass across any frontier guarded by chookers between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any chooker officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable on conviction, before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable if not paid to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any chooker officer shall needlessly and vexatiously injure goods under the pretence of examination, or in the course of his examination or shall wrongfully detain goods for which there shall be produced a sufficient certificate such officer shall, on conviction before the Collector of customs, or before any magistrate or joint magistrate, be liable to imprisonment for a term not exceeding six months and to a fine not exceeding five hundred rupees, commutable if not paid to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the Presidency of Bombay from any Foreign European settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule A on imports on foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof except under special order from the Governor in council of the presidency of Bombay. Provided always, that it shall and may be lawful for the collector of customs, or other officer in charge of a Custom House to pass free of duty any baggage in actual use at his direction, and if any person shall apply to have goods passed as such baggage the collector acting under the orders of the Government shall determine whether they be baggage in actual use or goods subject to duty under the provisions of this act.

XIX. Provided always, that when goods are imported at any port of the Bombay presidency from any other port in that presidency under certificate that the export duty specified in Schedule B, has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule A has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that when duties of customs shall have been paid on any goods at any port in any part of the territories of the East India company not subject to the presidency of Bombay, and when such goods shall subsequently be imported at any port of the presidency of Bombay, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in council of the presidency of Bombay from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall still adhere by a similar

notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this act, are brought into any Custom House in the presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the Custom House, and the value so declared shall include the packages of materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration when duly signed shall be submitted to the officer of customs appointed to appraise goods at the Custom House, and if it shall appear to him that the same is correct he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of customs who shall have power to take the goods of any part thereof as purchased for the Government at the price so declared, and whenever the collector of customs shall so take goods for the Government payment thereof shall be made to the consignee or importer, if the goods be imported within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation the entire value as declared shall be paid without deduction on account of customs duty.

XXV. And it is hereby enacted that it shall be lawful for the Governor in Council of the presidency of Bombay to declare by public notice in the Official Gazette of that presidency what places within the same shall be ports for the landing and shipment of merchandise, and any Goods that may be landed, or which an attempt may be made to land at any other port than such as shall be so declared shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the presidency of Bombay, the master shall deliver a true manifest of the cargo on board made out according to the form annexed to this Act and marked C, to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in council, by an order published in the Official Gazette of the presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in section LI and LII of this act to pass until the master shall have forwarded in such manner as may be ordered by the said Governor in council such a manifest as is required by this act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel the said master shall be liable to a fine of one thousand rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind or in marks and numbers from the specification contained therein shall be liable to be seized by any customs officer and confiscated, or to be charged with such increased duties as may be determined by the collector of customs under the orders of Government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain on side or below the place that may be fixed by the said Governor in council for the first delivery of manifest, the master shall deliver a manifest as thereinbefore prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a Custom House established, shall lie at anchor therein for the space of twenty four hours the master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to a fine not exceeding one thousand rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this act, and another copy thereof to be presented at the time of applying for entry inwards if so required by the collector of customs shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo, and that the said collector may further refuse to give such order if he shall see fit until any port clearances, cockets or other papers known to be granted at the places from which the vessel is stated to have come shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof until

entry of the vessel shall have been given do'y made in the Custom House of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from or to put on board of any vessel in contravention of the above provision. And after entry of the vessel at the Custom House in due form each part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this act, or by order of the Governor in Council of the presidency of Bombay, and if an attempt be made to land or put on board goods or merchandise in contravention of the forms and rules so prescribed the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom House, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained. Provided however, that nothing herein contained shall be construed to prevent the Collector of customs from permitting at his discretion the master of any vessel to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall in every port of the Bombay presidency be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of customs for the port, and if any goods be landed, of an attempt be made to land any goods at any other than the said authorized places without such order they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in council shall see fit for the security of customs at any port to maintain special establishments of boats for the landing and shipping of merchandise, or to license and register the cargo boats plying in any port, then after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel, in such port otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port, and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any officer of customs and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in council of the presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unloading and lading, then after due notification shall have been given that such establishment is so maintained at any port the collector of customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day until the vessel shall leave the port or it shall be otherwise ordered by the collector.

XXXV. And it is hereby enacted that any master of such vessel at such port who shall refuse to receive such officer with one servant on board when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of one hundred rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched he shall issue his warrant or written order for such search addressed to any officer under his authority and upon production of such order the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any goods that may be found concealed, and that shall not be only accounted for to the satisfaction of the collector of customs shall be liable to confiscation and any master or person in charge of a vessel, who shall resist such officer or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable upon conviction for every such offence to a fine of one thousand rupees.

XXXVII. And it is hereby enacted, that every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sun-set and sun-rise or on any day when the Custom House is closed for business without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding five hundred rupees.

XXXVIII. And it is hereby enacted, that no cargo boat, laden with goods intended for exportation by sea shall make fast to or lie alongside of any vessel on board of which there shall be a customs officer stationed unless there shall be on board the boat,

or have been received by the said customs officer a Custom House permit or order for the shipment of the goods, and the goods on board of any boat that may be so alongside or be made fast to a vessel, it such goods be not covered by a Custom House pass accompanying them, or previously received by the customs officer on board, the said vessel shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a customs officer on board for the purpose of being landed and passed for importation there shall be sent with each boat load or other separate despatch a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an officer of the vessel and likewise by the customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the Custom House either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or if any goods not so cited in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person after goods have been landed and before they have been passed through the Custom House removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation unless it shall be proved to the satisfaction of the collector of customs that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods.

XLII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit to require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the excise duty fixed by act No. XXVII. of 1817, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate the quantity of salt specified therein shall be landed at any other port of the said presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty either of excise or of customs.

XLIV. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel to superintend the delivery of cargo, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the customs officer first went on board. And if the whole cargo be not discharged by the expiration of the above-mentioned periods, the master shall be charged with the wages of such officer, and other expenses for any further period that such officer may be detained on board. And if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

XLV. And it is hereby enacted, that when there shall be no customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the vessel inwards; and if any goods remain on board after the time so fixed or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused for the security of the duties chargeable thereon and of any freight and primeage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the collector or other officer in charge of the Custom House, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same on account of the duties and other charges due thereon, and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application.

XLVI. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and holidays excluded beyond the twenty days above specified, shall be allowed for putting on board export cargo if the vessel shall be not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unloading thereof shall be continuous, and the master or commander shall in such case not be charged with the wages and

expenses of the customs officer, and board on till after the expiration of such additional period. And if a vessel having discharged its import cargo, shall be laid up, the customs officer on board shall certify that no goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom House for receipt of export cargo a customs officer shall be sent on board, and if the said last mentioned officer shall certify that no goods are on board except as above excepted, twenty days exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate for the landing outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively the master shall be charged with the wages and expenses of the customs officer on board to the date of the vessel's sailing from the port.

**XLVII.** And it is hereby enacted, that when upon application from the master of any vessel the customs officer shall be removed from on board thereof under the provision to that effect contained in the last preceding Section of this Act, if the master of such vessel shall be or a customs officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel any goods whatever, such master shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be re-landed for examination at the expense of the shipper upon requisition to that effect from the collector of customs.

**XLVIII.** And it is hereby enacted, that upon any goods liable to duty that may be passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out double of the prescribed duty shall in all cases be levied, and if the goods be free or have already paid import duty, or have been imported free under certificate, five per cent, upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

**XLIX.** And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a customs officer shall be sent to watch the vessel and take charge of the cargo during such relanding or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessel under special charge of the officers of customs until the time of re-export, and all charges attending such custody shall be borne by the exporter. Provided however that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the owner, or for the master to enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded and the amount paid in drawback be re-claimed, and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof unless he account for them to the satisfaction of the collector of customs.

**L.** And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in the last preceding section of this Act.

**LI.** And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories for the delivery of manifests of the cargo of such vessels and for the lading of Goods therefrom, and shipping of goods therein, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred Rupees for each offence.

**LII.** And it is hereby enacted, that postmasters, dhonies, boteloes, and other small craft from the Maldives or Laccadive islands, or from the Native ports of Kattywar, Cutch and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring and mode of lading and shipping goods as may be made by the Governor in Council of Bombay for such vessels in these several ports of Bombay pres. dency.

**LIII.** And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding section of this Act.

**LIV.** And it is hereby enacted, that goods exported in the same vessels if manifested for re-export, shall not be subject to import or export duty, and if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed

through the Custom House for re-exportation in the vessel into which they may be transhipped.

**LV.** And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the collector of customs of the port, and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

**LVI.** And it is hereby, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port according to the burthen on all country craft above the burthen of (100) one hundred maunds, at the rates hereinafter specified.

		Fee	
Above	10 Candies (equal to 100 maunds)	Not ex- ceeding	R.A.
20	40	20 Candies	1 0
40	60	300 Indian maunds	1 5
60	80		2 0
80	100		2 5
100	150		3 0
150	200		3 5
200	250		4 0
250	300		4 5
300	350		5 0
350	400 & upwards		5 5

**LVII.** And it is hereby enacted, that in all cases in which under this Act, goods are liable to confiscation, the collector of customs of the place where the goods may be shall be competent to adjudge such confiscation,

**LVIII.** And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

**LIX.** And it is hereby enacted, that it shall be lawful for any collector of customs, or other officer who may be authorized to adjudicate customs cases if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary to adjudge damages to be paid to the proprietor by the customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages no action shall thereafter lie against the officer of customs in any Court of Justice on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion not exceeding one-half shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

**LX.** And it is hereby provided, that all officers of customs shall as heretofore be amenable to the civil courts of the Presidency or Island of Bombay by action for damages on account of any executive act done in their official capacity at the suit of the parties injured by such acts provided, however, that no suit shall lie against a collector of customs or other officer for any judicial award in a matter of customs passed under the preceding section of this Act.

**LXI.** And it is hereby enacted, that whoever intentionally abstracts any officers in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

**LXII.** And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

**LXIII.** And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practise or attempts to practise any fraud for the purpose of injuring the custom revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

**LXIV.** And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer any of the powers given to a collector of customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such builders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the Custom House.

# GENERAL REGISTER.

## SCHEDULE A

*Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.*

No.	Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
1	Gold and Silver,.....	Free.....	Free.
2	Precious Stones and Pearls.....	Ditto.....	Ditto.
3	Grain and Pulse.....	Ditto.....	Ditto.
4	Horses and other living Animals.....	Ditto.....	Ditto.
5	Ice.....	Ditto.....	Ditto.
6	Coal, Coke, Bricks, Chalk, Stones, (Marble and Wrought stones excepted),.....	Ditto.....	Ditto.
7	Books printed in the United Kingdom or in any British Possession.....	Ditto.....	3 per cent.
8	Foreign Books.....	3 per cent.....	6 per cent.
9	Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession.....	3 per cent.....	6 per cent.
10	Ditto ditto, the produce or manufacture of any other place or country.....	6 per cent.....	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession.....	3 per cent.....	6 per cent.
12	Metals, ditto ditto, excepting Tin the produce or manufacture of any other place.....	6 per cent.....	12 per cent.
13	Tin, the produce of any other place than the United Kingdom or any British Possession.....	10 per cent.....	20 per cent.
14	Woolens, the produce or manufacture of the United Kingdom or any British Possession.....	2 per cent.....	4 per cent.
15	Ditto, the produce of any other place or country.....	4 per cent.....	8 per cent.
16	Cotton Wool not covered by certificate of the payment of Export Duty at any other Port of Bombay.....	9 as per md. of 80 Toles to the seer.	1 rs. 2 annas per md. of 80 Toles to the seer.
17	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom, or of any British Possession.....	3½ per cent.....	7 per cent.
18	Ditto, the produce of any other place.....	7 per cent.....	14 per cent.
19	Opium covered by a Pass.....	Free.....	Free.
20	Ditto not covered by a Pass.....	24 rs. per seer of 80 Toles	24 rs. pr. seer of 80 Toles
21	Salt not covered by a Pass.....	8 as per md. of 80 Toles per seer.	8 as. pr md. of 80 Toles. pr seer
22	Alum.....	10 per cent.....	20 per cent.
23	Camphor.....	10 per cent.....	20 per cent.
24	Cassia.....	10 per cent.....	20 per cent.
25	Cloves.....	10 per cent.....	20 per cent.
26	Coffee.....	7½ per cent.....	15 per cent.
27	Corall.....	10 per cent.....	20 per cent.
28	Nutmegs and Mace.....	10 per cent.....	20 per cent.
29	Pepper.....	10 per cent.....	20 per cent.
30	Plantains.....	7½ per cent.....	15 per cent.
31	Tea.....	10 per cent.....	20 per cent.
32	Vermillion.....	10 per cent.....	20 per cent.
33	Wines and Liqueurs.....	10 per cent.....	20 per cent.
34	Spirits, consolidated Duty, including any duties levied heretofore thro' the Police..... And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.	9 as. per imperial gallon.....	1 re. per. imperial gallon
35	Tobacco..... Which duty shall be the minimum customs duty levied on Raw Tobacco and all preparations thereof in all the ports of the Bombay Presidency, but if at the rate of 5 per cent on the actual value, a higher duty than 1 r. 8 annas per md. should be leviable on any preparation of Tobacco, the duty shall be levied <i>ad valorem</i> at that rate if imported on British bottoms, and at 10 per cent. on Foreign bottoms. And the Customs duty laid upon Tobacco shall be allowed in setting for the special duty levied on the import of this article into the Island of Bombay, which special duty shall be levied at the rate of 9 rupees for the Indan maund.	1 r. 8 as. pr md. of 80 Toles pr seer	1 r. 8 as. pr md of 80 Tol pr seer
36	All articles not included in the above enumeration.....	3½ per cent.....	7 per cent.

And if the Collector of Customs shall see reason to doubt whether the goods liable to a different rate of duty according to the place of their production come from the country from which they are declared to come by the importer it shall be lawful for the Collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting Opium and salt, all and goods of the growth, production or manufacture of the continent of India provided the re-export be made within two years, of the date of import as per Custom House Register, and the goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of duty, levied and the remainder shall be repaid or drawback.

But no exporter of imported goods shall be entitled to drawback unless the drawback be claimed at the time of re-export nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom House Register.



# GENERAL REGISTER.

## SCHEDULE B

*Rates of duty to be charged on Goods exported by Sea from any Port or Place in the Presidency of Bombay.*

No.	Enumeration of Goods.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin.....	Free.....	Free.....
2	Precious Stones and Pearls.....	Iditto.....	Iditto.....
3	Books, Maps and Drawings printed in India.....	Iditto.....	Iditto.....
4	Horses and living Animals.....	Iditto.....	Iditto.....
5	Opium covered by a Pass.....	Iditto.....	Iditto.....
6	Iditto not covered by a Pass.....	Prohibited.....	Prohibited.....
7	Cotton Wool exported to Europe, the United States of America or any British Possession in America.....	Free.....	9 as pr. md. of 80 Tolas per seer
8	Iditto exported to places other than above.....	9 as per md. of 80 Tolas per seer	Free.....
9	Salt having paid the Excise of 8 annas a maund.....	Free.....	1 rs 8 as pr md of 80 Tolas per seer.
10	Tobacco.....	1 rs 8 as pr. md. of 80 Tolas to the seer	6 per cent
11	All country articles not enumerated or named above.....	3 per cent.....	6 per cent

And upon the re-export to Europe, the United States of America or to any British possession in America, or from any other port of the Bombay Presidency, of Cotton that has been imported under certificate of the payment of the duty specified in this schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of export duty levied at the first place of export shall be refunded.

5TH JANUARY 1838.

The following Act is passed by the Hon'ble the president of the Council of India Council on the 5th January 1838, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information  
ACT NO 11. of 1838.

I. It is hereby enacted, that from the 1st day of February 1838. Salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant Governor of the north Western Provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture shall before preparing works for the production of such Salt give notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt therein.

II. And it is hereby enacted, that upon receiving such notice as is prescribed in the preceding Section, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall think proper at every such place of manufacture, and shall have power to take account of the Salt manufactured and stored, and to prevent the removal of the Salt until the Government duty thereon shall have been paid.

III. And it is hereby enacted, that every proprietor of Salt Works within the north western provinces, at which an officer shall be stationed as above provided, shall pay to the collector the wages of one officer at the rate of 10 Rs. per mensem, for so long as such officer shall be retained for the supervision of the Works; and if the collector shall see fit to employ more than one officer to watch any set of Works, or to employ one officer receiving larger allowances than 10 Rs. per month; the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by Government.

IV. And it is hereby enacted, that if any Salt Works be found producing Salt, of which notice has not been given in the manner prescribed by the first Section of this Act, such Works shall be destroyed, and any Salt stored thereat shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprie-

tor of Lukhira Lands, upon whose Zemindaree, Farm, or Lukhira Estate, there shall be any Works producing Salt, of which Works notice has not been given in the manner prescribed by the first Section of this Act, to give notice of the same in writing to the nearest public officer of Police or Land Revenue within ten days from the date on which the Works were first prepared, and every such proprietor, farmer, or proprietor of Lukhira estate, who shall knowingly omit to give such notice, shall forfeit a sum not exceeding 500 Rs. for every such Salt Works.

VI. And it is hereby enacted, that the magistrate or Joint magistrate of any city or district shall be competent to receive and determine all charges on account of things or done in contravention of this Act.

VII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful powers of such officer, shall be punished in like manner as if the resistance had been offered to the ordinary process of a collector.

ACT NO. 111. of 1838.

I. And it is hereby enacted, that Act No. VIII. of 1837, be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort Saint George shall appoint a Joint criminal Judge of Cochin, and shall give to such Joint criminal Judge jurisdiction over the Districts of Anjengo and Champancherry, such Joint criminal Judge shall exercise, within his jurisdiction, all the powers of Joint magistrate as defined in the Madras Regulations.

30TH DECEMBER, 1837.—The Honorable the President in Council has been pleased to appoint Mr. G. A. C. Plowden to act as deputy secretary to the Governments of India and Bengal in the judicial and revenue departments, until further orders. This appointment will take effect from the 9th instant.

FOR WILLIAM, LEGISLATIVE DEPARTMENT THE 2ND JANUARY, 1838  
—The Hon'ble the President of the Council of India in Council has been pleased to appoint Mr. C. H. Cameron to be a Member and President of the India Law Commission.

ROSB. D. MANGLES.  
Offy. Secy. to the Govt. of India.

## CIVIL APPOINTMENTS, &c.

### BY THE DEPUTY GOVERNOR.

FOR W. L. LAW, GENERAL DEPARTMENT, 20TH DECEMBER, 1837.—Captain J. J. R. Bowman, assumed the duties of 2d assistant to the master attendant of this port, on the 11th instant, under the appointment made by the Right Hon'ble the Governor of Bengal, the 18th October last.

The Honorable the Deputy Governor of Bengal is pleased to grant to the Reverend J. Bell, district chaplain at Bhaw, two month's leave of absence, in extension of the leave granted to him on the 16th August last.

The Honorable the Deputy Governor of Bengal has been pleased to direct the collector of Pooree to assume charge of the Post Office at that station from the 1st proximo.

DECEMBER, 27TH.—Mr. H. M. Pigou has been permitted to resign the East India Company's civil service from the 30th instant.

The following Errata having been discovered in the Polymetrical tables of distances prepared under orders of the Governor General in Council, and printed at the *Official Gazette Press* for regulating the levy of postage, the same are notified for general information, and the several Post Office authorities throughout India are directed to make the necessary corrections in their

official copies and to cause the same to be made in those of the officers subordinate to them and to levy the Postage according to such correct distances. The alterations are to take effect from the 1st proximo.

ERRATA.

Table A.

From Allahabad, to Calcutta, for 504 read 498; from Allypore to Subathoo, for 761 read 661; from Barrackpore, to Allahabad, for 504 read 487; from ditto, to Arrah, for 401 read 365; from ditto, to Chuprah, for 400 read 364; from ditto, to Gya, for 309 read 278; from Burdwan, to Dinapore, for 331 read 241; from ditto, to Gya, for 364 read 214; from ditto, to Nepal, for 517 read 465; from ditto, to Patna, for 324 read 274; from Calcutta, to Arrah, for 401 read 381; from ditto, to Gya, for 309 read 250; from ditto, to Tirhoot, for 401 read 392; from Dum Dum, to Allahabad, for 512 read 497; from ditto, to Arrah, for 409 read 370; from ditto, to Chuprah, for 408 read 369; from ditto, to Gya, for 317 read 282; from Puttapore, to Lucknow, for 623 read 103; from Houghly, to Allahabad, for 506 read 470; from ditto, to Arrah, for 403 read 353; from ditto, to Chuprah, for 403 read 352; from ditto, to Gya, for 311 read 261

Supplemental table add from Barhie, to Gya, read 42.

Table B.

From Bimlipatam Nandydroog, for 291 read 292; from Jugumpetta, to Sedashagur, for 565 read 765.

Table C.

From Madras to Mominabad, for 602 to read 51.

3D JAN., 1838.—Mr. William R. Kennaway, of the civil service, is permitted to proceed to Europe on Furlough, in the present season.

Mr. E. T. Trevor has been permitted to proceed to Jessore, and prosecute his study of the Oriental Languages at that station.

10TH JANUARY, 1838.—Mr. G. J. Siddons, of the civil service, embarked for England on board the ship "Madagascar," which ship was left by the Pilot at sea on the 7th instant.

Messrs D. C. Smyth, H. F. Russell and Robert Trotter, of the civil service, embarked for England on board the ship "Ernaad," which ship was left by the Pilot at sea on the 5th instant.

The Honorable the President in Council is pleased to appoint Mr. John F. M. Reid to be Post Master General.

His Honor in council is also pleased to appoint Mr. Assistant Surgeon Samuel Davis, Post Master at Patna.

Mr. Joseph Simpson assumed charge of office of surveyor of shipping to the East India Company on the 1st instant.

The following Act of Parliament passed in the first year of the reign of her present Majesty, is published for general information.

CHAP. XLVII.

An Act to repeal the Prohibition of the payment of the salaries and allowances of the East India Company's officers during their absence from their respective stations in India.

[12th July 1837.]

Whereas under and by virtue of an act passed in the thirty-third year of the Reign of His Majesty King George the Third, intituled *An Act for continuing in the East*

*India Company for a further term the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better Administration of Justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provisions for the good order and Government of the Towns of Calcutta, Madras and Bombay, and of another act passed in the third and fourth, intituled *An Act for effecting an arrangement with the East India Company; and for the better Government of His Majesty's Indian territories, till the thirtieth day of April One thousand eight hundred and fifty-four*, it is enacted, that "if any Governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories or the presidency to which he may have belonged."*

And whereas it is further provided in the said last-mentioned act, that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants, who, having left their stations intending to return thereto, shall die during their absence and it is expedient that such provision of the Law should be altered in manner herein-after mentioned; Be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much and such part of parts of the said two acts passed respectively in the thirty-third year of the Reign of His Majesty King George the Third and in the third and fourth years of the reign of His said late Majesty King William the Fourth, and of

*salaries to officers in the service of the East India Company during their absence shall not extend to cases of sickness; and other act or provision of the Law, as enacts that if any Governor or other officer whatever in the service of the said company shall leave the presidency to which he shall belong, other than in the known actual service of the said company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, shall not extend to the case of any officer or servants of the Company under the rank of Governor or member of council who shall quit the presidency to which he shall belong in consequence of sickness, under such rules as may from time to time be established by the Governor General in India in council, or by the Governor in council of such presidency, as the case may be, and who shall proceed to any place within the limits of the East India Company's charter or to the Cape of Good Hope, or to the Mauritius, or to the Island of St Helena, nor to the case of any officer or servants of the said Company; under such rank as aforesaid, who with the permission of the Government of the presidency to which he shall belong, shall quit such presidency in order to proceed to another presidency for the purpose of embarking thence for Europe, until the departure of such officer or servant from such last-mentioned presidency with a view to return to Europe, so as that the Port of such Departure for Europe shall not be more distant from the place which he shall have quitted in his own presidency than any port of embarkation within such presidency.*

*No rule valid till approved by the Court of Directors, subject to the control of Commissioners for Affairs of India.*

Provided always, and be it enacted, that no such rule so to be established as aforesaid shall have any force or validity until the same shall have been approved by the Court of Directors of the said Company, subject to the control of the commissioners for the affairs of India, in like manner as is provided by the said act of the third and fourth years of the reign of His late Majesty King William the fourth.

*Power for the Court of Directors, subject to aforesaid control to direct the refunding of any part of the allowance paid under any of said rules.*

And be it further enacted, that it shall be lawful for the said Court of Directors, subject to such control as aforesaid, to direct the refunding, by an officer or servant of the said Company, or by the representatives of any such officer or servants, of the whole or any part of the salary or allowance which he or they may have received under or by virtue of any such rules so to be established as aforesaid, if it shall appear to the said Court, subject to such control as aforesaid, that the permission to such officer or servant to quit the presidency to which he shall belong: hath been improperly granted or obtained; and such sum as the said court, subject to such control as aforesaid, shall direct such officer or servants, or the representatives of such officer or servants to refund, shall be a debt due to the said Company, and shall be recoverable by them in any court in like manner as any debt may now or hereafter shall be recovered by them.

The Honorable the President in council having considered the terms of Sections I. and II of the above act, and also of Paragraph 2 of a dispatch from the Honorable Court of Directors, is of opinion that the exemption granted by that act from the provision of the act 33rd George III which prohibited the payment of any salary to servants of the Honorable Company after the date of their departure from the presidency to which they might be attached, may be granted to servants of either Presidency the Members of Government excepted, who may have quitted or who may quit the same in consequence of sickness under the rules established by the Governor General in Council, with the sanction of the Honorable Court or who may proceed to another presidency not more distant than their own for the purpose of embarking for Europe. But no new rules on this subject can be established hereafter to take effect before their approval by the Honorable Court.

*Para 3. The absence Regulations enacted by the Supreme Government and approved by us with the sanction of the Board of Commissioners, are those which you will observe in giving effect to the provisions of this act.*

The President in Council deeming it necessary therefore to declare the rules that have been passed under such sanction and are still in force, and the modifications made therein by the application to them of the act in question, directs the following rules to be published together with the act I. Victoria. Cap. 47, for general information.

*Civil Servants.*—I. Civil servants proceeding to the Cape of Good Hope, Mauritius or the Island of St. Helena, or to any place within the limits of the East India Company's charter, with leave granted by the Governments to which they are respectively attached, under medical certificates countersigned by a Member of the Medical Board at the presidency, shall from the date of the pilot leaving the vessel in which they embark to the date of their return, provided the period of absence do not exceed two years, draw the allowances of their respective offices subject to the following deductions.

If the salary exceeds 2,000 rupees per mensem, one-sixth for one year and for the second year one-fourth.

If the salary do not exceed 2,000 per mensem, one-eighth for one year and one sixth for the second year.

If the salary of officer be not more than 50' rupees per mensem, no deduction shall be made for the first year, and if it be only so much more that the prescribed deduction at the rate of one-eighth would reduce the allowance drawn to less than 500 rupees per mensem, only so much shall be deducted as will reduce the salary drawn to 500 rupees per mensem. After the year a deduction of one-eighth shall be made from the salary of the officers referred to in this rule.

2. After the close of the second year when the salary of officer ceases, civil servants who may obtain an extension of leave will draw the subsistence allowance of their rank only, but no such servant, absent on leave on account of sickness, shall draw a less allowance as a civil servant out of employ, than that of a junior merchant, viz. Rs. 224 per mensem.

3. The maximum period for which any civil servant shall be allowed to draw the salary of office or any part thereof is two years from the date of embarkation, and the officers of servants who may not return within that period, will be vacant and liable to be filled by fresh appointments. Civil servants who may so oversay the period of two years, provided they obtain an extension of leave on account to the satisfaction of the Government to which they are attached for the delay of their return, shall as above provided receive the subsistence allowance of a servant of their rank, subject to the exception above specified in favor of junior servants, but if they continue absent in disobedience of an order to return or without sufficient cause shown that allowance also will be forfeited.

4. Civil servants absent on leave on account of sickness duly certified, if they proceed to England without returning to their presidency, may as heretofore apply to be admitted to Furlough by the Honorable the Court of Directors, and the Furlough will in such cases take effect from the date of leaving their presidency consequently the allowances of office that may have been drawn by themselves or by their agents after their departure, must in that case be readjusted and the difference refunded.

5. Civil servants desiring to avail themselves of the benefit of the act above referred to, and to draw their allowances while absent on account of sickness under the above rules, will be required to give security in such amount as may be required by the Government for the refund of any excess that may be drawn, either by agents at the presidency or by themselves in case of their proceeding to Europe on Furlough or otherwise coming under retrenchment.

6. No second leave will be granted to any civil servant who has been absent beyond sea for two years, until three years after the date of return from sea, but if a civil servant is compelled by sickness to proceed to sea again within this period, after having been absent less than two years, he will be allowed to complete that period, drawing the proportion of salary allowed for the remaining time as if the leave had been continuous.

**Military Officers holding Civil situations.**—7. Military officers employed in the Civil departments and drawing a civil allowance are entitled in common with officers holding staff situations in the military department to draw the military pay and allowances of their rank while absent at sea, on leave under the medical certificate, and likewise one half of the difference between such allowances and the civil or staff pay of the offices to which they stand appointed.

8. The above allowances are to be drawn for a total period not exceeding two years from the date when the vessel in which such officers embark may leave the presidency or other port of departure, and the civil situation held by any officer who shall not return within that period shall be considered vacant.

9. The rules for furnishing medical certificates and for regulating the forms and manner of drawing military allowances during absence on leave, have been laid down in general Orders in the military department.

10. The civil auditor will pass the Bills of Officers on leave beyond sea under medical certificate for the portion of the civil salary which they are permitted to draw by those rules in like manner as is provided for civil servants proceeding to sea on medical certificate. But it is hereby provided, that civil allowances shall not be drawn by a military officer under this rule after the date of departure beyond sea, unless security shall have been previously given in such amount as may be fixed by Government.

**Ecclesiastical department.**—11. Chaplains proceeding to any place beyond sea for the benefit of their health under the rules prescribed for officers of the ecclesiastical department, shall in respect to the proportion of allowances to be drawn during the period of absence, as also in respect to the conditions and period for which such allowances are to be drawn, and likewise in respect to the allowances to be drawn in case of their not returning within two years, be subject to the same precise rules as civil servants proceeding to any place beyond sea on sick leave.

**Pilots.**—12. The following rules have been established for members of the pilot service under the sanction of the Honorable Court of Directors.

13. Members of the pilot service whose state of health may require a voyage to sea, or who may on that account desire to leave the presidency, shall submit application for the same through the master attendant to the Marine Board, forwarding with the application a certificate from the marine surgeon or assistant surgeon, the Marine Board may grant leave for any period not exceeding three months, and the party availing himself of it, may

draw while absent on such leave his entire pay and allowances without deduction. If the leave solicited exceed the period of three months, the medical certificate must be countersigned by a Member of the Medical Board, and the sanction of Government will be required to enable the pilot to proceed to the Cape or elsewhere under the following rules.

14. Branch pilots, Master pilots, Mates and Vounteers, compelled by sickness duly certified to proceed to the Cape or elsewhere beyond sea within the limits of the Hon'ble Company's charter, shall be entitled to draw the reduced allowances and to receive the passage money allotted to their rank in the following table:

		Mon. <sup>y</sup> passage	Allowances* money.
Branch pilot,	Sa.	500	500
Master ditto,	"	250	400
Mate ditto,	"	125	350
Senior 2d Mate,	"	60	320
Junior ditto,	"	70	300
Volunteer,	"	60	300

15. Pilots authorized to proceed to England for the benefit of their health, will receive passage money and draw allowances as heretofore from the date of the vessel in which they embark leaving her pilot for sea as follows:

	Passage allowance.	
Branch pilot,	Sa. rupees	1,435
Master ditto,	"	956
Mate ditto,	"	765
Senior 2d Mate,	"	619
Junior ditto,	"	574
Volunteer,	"	478

	Allowances payable during sick leave in Europe.	
Branch pilots,.....	200	Sa. Ka. per month.
Masters,.....	90	" ditto.
First Mates,.....	50	" ditto.
Second ditto,.....	40	" ditto.
Volunteers,.....	40	" ditto.

16. Members of the pilot service absent at the Cape or elsewhere under the rule for such absence above stated, will be required to return to India at the end of six months from the date of their leaving Calcutta, unless they forward to the Marine Board as renewed certificate from the colonial surgeon or other principal medical officer of the place where they may be residing stating that a prolonged residence is necessary for complete recovery.

17. A member of the pilot service absent under the above rules may, provided he forwards renewed medical certificates every six months required in the preceding rule, continue absent from India for a total period not exceeding two years, drawing during absence the allowances stated, either through his agents, at Calcutta or by bill signed in the presence of a magistrate at the place where he may be residing and certified to be so signed on the date specified. The Bills may be drawn in duplicate and will be payable to the order of the pilot, provided however that no pilot shall be allowed to benefit by this provision unless he shall give security to such amount as may be prescribed by Government to co-secure any refunds to which he may become liable in case of proceeding to Europe or of over receipt by agents.

18. Any member of the pilot service who shall be absent beyond sea for a period exceeding two years, shall from the date of the expiration of the two years be considered as suspended from the service. It will remain to be decided upon his return at any subsequent date, whether he shall be restored or not accordingly as he shall be able to satisfy the Marine Board and Government, that he used all possible exertions to return within the time fixed, but failed to do so from causes beyond his control.

**General rule.**—9. Under the authority of the provisions contained in the latter part of clause I Act I. Victoria, Cap. 47, it is further provided in respect to all the above classes of officers that, if they embark with the permission of Government, at any other presidency than their own, or at any other place or port in India, provided that it be not more distant from their station than the ports of their own presidency, the date for the commencement of the operation of the above rules for sick leave beyond sea, shall be that of actual embarkation at such place or port, and not that of leaving the frontier of their own respective presidency, and the same privilege in respect to the date of leaving India, will be granted to officers of the several services referred to embarking at other presidencies or places in India not more distant from their station than the ports of their own presidency with the leave of Government previously obtained for the purpose of proceeding to Europe on furlough or of retiring from the service altogether.

20. In the above rules no provision is made for the case\* of servants of the classes mentioned resigning the service after leaving their presidency with the permission of the Government in consequence of sickness. The case of such persons has been considered by the President in Council to require a new rule, which under the terms of the Act requires to be submitted for the confirmation of the Hon'ble the Court of Directors before it can take effect. It is accordingly declared that the security to be given by servants as the condition of their drawing allowances while absent from their presidency, must provide for the case of such retirement, and the servants must bind themselves to refund the whole of the allowances so drawn in cases of their resignation and departure for Europe without previous return to their presidency, provided that the new rules to be established should require such refund.

\* These allowances are to be subject to the subscription to the Pension fund.

**PORT WILLIAM GENERAL DEPARTMENT, JANUARY 17TH.**—Notice is hereby given, that the salaries and allowances of the civil and Marine Departments for January, instant, will be discharged by the Sub Treasurer and Marine Paymaster respectively on or after Thursday, the 15th proximo.

The Government of India having received from the Hon'ble the Court of Directors copy of a letter addressed by the Secretary to the Post Master General in England, to the Honorable Court, dated 11th September 1837, from which it appears that an Act (1, Victoria, Cap. 76.) had been passed by the British Parliament for regulating the Postage to be levied on Letters transmitted between the United Kingdom and India by Her Majesty's Mediterranean Packets, the President in Council deems it necessary to publish for general information, the rates of Postage established thereby in supercession of those established by Clause XXXIV. of Rules for the management of the Post Office department, passed by the Right Hon'ble the Governor General of India in Council on the 5th August 1837.

The following are the Orders contained in the Letter above referred to, to which the Post Master General and Post Masters in the different Presidencies of India, are hereby required to give attention.

"The Act 1st Victoria, Cap. 76, having authorized a Postage of of 1s. single, 2s. double, 3s. treble, and 4s. for an ounce weight, and for every quarter of an ounce beyond that weight, the Postage of a single Letter upon all Letters passing between any Port in the Red Sea or Persian Gulph and the East Indies, which are not conveyed to or from the United Kingdom by Her Majesty's Mediterranean Packets, I am commanded by the Post Master General to request you will move the Court of Directors to give instructions to their Post Masters in India to demand this rate upon all Letters, which shall not be enclosed in the Mails despatched from Falmouth for the East Indies which will be made up in boxes marked 'East India Mail from the United Kingdom by Her Majesty's Mediterranean Packets', with the exception of letters put into the Post Offices of the United Kingdom, which shall be addressed to India via Marseilles, and upon which as the Postage alluded to would have already been paid in this country no additional rate should be demanded. Letters of this description can be easily distinguished from their having the Post mark of the Town in the United Kingdom, at which they were posted in addition to the address of via Marseilles. With the exception of these two classes, namely, Letters contained in the Mail Boxes and those addressed via Marseilles, all Letters conveyed to the East Indies by Packet will be liable to the charges in question, which can only be collected by the Company's Post Masters from the persons to whom they are addressed in India.

"With respect to the return correspondence, this rate must not be taken in India on either of the two classes of Letters before mentioned, whether they shall be simply addressed to the United Kingdom or passing through it to countries beyond or whether directed to it via Marseilles, as the Postage can be collected in this country. On all other Letters however the rate must be demanded at the time the Letter is posted in India as the only means of securing the charge, the Post Office having no method of collecting it in the countries to which the Letters will be addressed.

Under the above Orders, Inland Postage only will be leviable in India on letters arriving from or received for transmission to the United Kingdom via any Port in the Red Sea or Persian Gulph, if Letters arrive from or are addressed to any other place than the United Kingdom, so that the postage will not be leviable therein, the following rates will be levied in India, as the place of delivery or of receipt for transmission.

**Letters or Sealed Packets of any description**

Single	Double.	Treble.
Not exceeding 1 Tola weight.	Not exceeding 2 Tola weight.	Not exceeding 3 Tola weight.
3 Annas.	1 Rupee.	1 Rupee 3 Annas.

Single postage being added for each additional ½ Tola weight.

Note.—3 Annas has been assumed as equal to 1 Shilling.

A scale according to weight has been substituted for the rule regarding single and double Letters for uniformity with the system generally in force in India, and because the Post Masters have not the means of discriminating between single and double sheets; 3 Tola has also been assumed as equivalent to an ounce.

No Ship Postage under Schedule B. Act No. XVII. 1837, will be leviable in India on letters transmitted in the manner provided for in these rules, notwithstanding that they may have been conveyed or may be forwarded between India and the Red Sea or Persian Gulph in Sailing Vessels.

The orders received hitherto containing no provision in respect to Newspapers, Pamphlets or other unsealed packets of printed papers transmitted via the Red Sea or the Persian Gulph, these will be subjected in India to no charge beyond that of inland postage duty.

Mr. J. F. M. Reid assumed charge of the General Post Office on the 15th instant.

The Hon'ble the President in Council is pleased to attach to the North Western Provinces, Mr. G. D. Raikes, Writer reported qualified for the public service.

Mr. G. D. Raikes, Writer, is reported qualified for the public service by proficiency in two of the Native Languages.

**JANUARY 17TH.**—Notice is hereby given, that the Salaries and Allowances of the Civil and Marine Departments for January, instant, will be discharged by the Sub Treasurer and Marine Paymaster respectively, on or after Thursday, the 15th proximo.

**JANUARY 22ND.**—C. H. Cameron, Esq., Member of the Indian Law Commission, reported his return to this presidency on the 18th instant.

The Hon'ble T. B. Macaulay, Esq. Fourth Ordinary Member of the Council of India, having taken his passage to England in the Ship *Lord Hungerford*, resigned his seat in the said Council on the 17th instant.

The Presidency of the Council of India in Council, with the concurrence of the Governor General, has this day appointed Charles Hay Cameron, Esq. to be Fourth Ordinary Member of the Council of India, and the said Charles Hay Cameron has accordingly taken the oaths and his seat in the said Council under the usual salute from the Ramparts of Fort William.

By order of the Hon'ble the President of the Council of India in Council.

**JANUARY 24TH.**—The Hon'ble W. H. L. Melville has been permitted to resign the East India Company's civil service from the date on which the pilot may quit the ship "Charles Grant" at sea.

The Hon'ble the Deputy Governor of Bengal is pleased to grant to Mr. Thomas Parry Woodcock of the civil service, proceeding on furlough, an extension of the leave of absence granted to him under the orders of the Hon'ble the Lieut. Governor of the North Western Provinces, dated the 17th October last, till the date of the departure of the February steamer from Bombay.

Mr. C. R. Martin has been permitted to resign the East India Company's Civil Service from this date.

**SEPARATE DEPARTMENT.**—The officiating deputy collector of Non Khully is hereby vested with jurisdiction for the trial of persons charged with offences against the Laws for the protection of the Salt Revenue when made over by the Superintendent of Salt chookees appointed to that District under the Act No. IX. of 1843, and the said Officiating Deputy Collector shall, and it is hereby empowered to exercise in respect to such cases the powers described in Sections XCVI. and other provisions of Regulation X. 1819 of the Bengal Code.

H. T. PRINSEP, Secy. to Govt.

**FORT WILLIAM, POLITICAL DEPARTMENT, DECEMBER, 27TH 1837.**—Mr. B. H. Hodgson, resident at Catmandoo, delivered over charge of the office of the residency to Mr. A. Campbell, assistant on the 5th instant.

Captain H. W. Trevelyan, assistant to the agent to the Governor General for the states of Rajpootana, reported his departure on the 14th instant from Calcutta, in progress to the Cape of Good Hope, on board the ship *Seringapatam*.

**JANUARY 3d.**—Mr. C. E. Trevelyan, deputy secretary to Government in the political department, has obtained leave of absence, on private affairs, from the 1st instant, until the date of the sailing of the "Lord Hungerford" for England.

Captain H. F. Sandys, principal assistant in charge of Nimaur has obtained one month's leave of absence, from the 5th instant.

**JANUARY, 13TH.**—Lieutenant Colonel J. Caulfield, Superintendent of the Mysore Princes, has obtained one week's leave of absence to proceed to Saugor.

**JAN. 17TH.**—The Hon'ble the President in Council has been pleased to direct that the following paper be published for general information:

**Direction for entering the Hujamaree and Kedywere Rivers.**

The mouth of the Hujamaree branch of the Indus lies in Latitude 24. 8. 25 North and Longitude 67. 25. East—on the North point there is a beacon 45 feet high, with a large cone on the summit, which in clear weather can be seen distinctly at a distance of 10 miles, and in the channel leading towards it across the shoals, there are tow buoys, one outside its mouth, and the others on the point of a sandbank projecting from the left bank of the river.

Vessels intending to enter this branch, ought on sighting the beacon to stand in towards the land until they are close to the shoals, in about 4 fathoms, and then steer along them until they bring it to bear N. N. E. E., they will then be at the entrance of the channel close to the large fair way buoy, which has a cone on it, and is laid down to 20 feet at high water springs tides. From the buoy a course steered direct for the beacon, until a

boat half way between them, will take them over the bar in the deepest part where there is depth 12 feet at high water spring tides, and they must then bear away for the small buoy, which is laid down on the point of a sandbank projecting from the north point of the entrance, and pass it on the right or South side. At low water there are heavy breakers right across the mouth whenever the wind is from the Westward, and even at high tide the swell that rolls in across the bar is extremely high.

The Kedywarre mouth is situated 4 miles E. S. E. of the Hujamaree entrance in latitude  $24^{\circ} 6'$  30 north, and has a beacon in the shape of a slender pyramid 25 feet high on its north point. It is approached by a channel about 5 miles long, and from 600 to 800 yards broad, at the entrance of which a large buoy has been placed in  $3\frac{1}{2}$  fathoms. From this buoy, the beacon at the mouth of the river bears N. E.  $\frac{1}{2}$  N., and that at the Hujamaree mouth N.  $\frac{1}{2}$  W. After the buoy is passed steer N. E. b. N.  $\frac{1}{2}$  N. keeping the beacon a point open to the Eastward, until the Hujamaree beacon bears N. W.  $\frac{1}{2}$  N., then steer for the former. Along this line there is no water less than 10 feet at high water spring tides. At both the Hujamaree and Kedywarre mouths it is high water on the full and change at 11 hours.

(-sig. ed) T. G. CARLESS, *Lieut. Commanding H. C. S. Brig Pallanurus.*

Dr. Christie assumed medical charge of the Nipaul Residency on the 1st instant.

JAN 24—Lieutenant colonel Burney, resident at Ava, has obtained leave of absence for 2 months, from the 6th of Dec last.

PORT WILLIAM, MILITARY DEPARTMENT, 15TH JAN. 1838.—Notice is hereby given, that the Pay Batta, and other Allowances for January 1838 of the Troops at the Presidency, and at the other Stations of the Army, will be issued on or after Saturday, the 10th Proximo.

ECCLIASTICAL DEPARTMENT—The Reverend J. C. Proby Chaplain on the Bengal establishment, is permitted to proceed to Europe on furlough.

ECCLIASTICAL DEPARTMENT—The Honorable the Deputy Governor of Bengal is pleased to appoint the Revd. H. S. Fisher to officiate as junior presidency chaplain, until further orders.

H. T. PRINSEP, *Secy. to Govt.*

PORT WILLIAM FINANCIAL DEPARTMENT, DECEMBER 8, 1837.—Mr. J. A. Orin, the deputy accountant general and accountant in the revenue and Judicial departments, is permitted to be absent from his offices for ten days, from the 4th proximo. Mr. G. F. McClintock will conduct the duties during Mr. Dorin's absence.

J. STUART *Li. Col.*

*Offg. Secy. to the Govt. of India Milg. Dept.*

JUDICIAL AND REVENUE DEPARTMENT, DECEMBER, 26TH.—The Hon'ble the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. J. Curtis to be civil and session Judge of Hooghly, vice Mr. O. R. Martin removed.

Mr. R. Barlow to be ditto ditto of east Burdwan, vice Mr. Curtis.

Mr. W. A. Pringle to be ditto ditto of Rajeshahye, vice Mr. Barlow.

Mr. B. Golding to be ditto ditto of Purneah, vice Mr. Pringle.

Mr. V. J. H. Money to be magistrate and collector of Tipperah vice Mr. Golding.

Mr. C. Garstin is relieved from the office of additional Judge of Patna in which he is officiating, and is directed to give his attention solely to the trial of Thugs.

Mr. G. G. Markintosh has been authorized to receive charge of the office of magistrate and collector of Purneah from Mr. F. E. Read, and to conduct the duties until further order.

Mr. James Kelly to be Principal Sudder Ameen of Dacca, vice Moulvie Muhammad Yacob deceased.

Synd Junah Ali to be Principal Sudder Ameen in Rungpore, vice Mr. Kelly.

26TH DECEMBER, 1837.—The following officer has obtained leave of absence from his station:

Moulvie Mohammed Suffee, Sudder Ameen of Beerbhoom, for one month; Koor Jey Gopal Sing, moonsiff of Singham, will take temporary charge of that office.

FRANZ JAS. HALLIDAY.

*Offg. Secy. to the Govt. of Bengal.*

2ND JANUARY, 1838.—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. W. Dampier to be commissioner of revenue of the 14th or Jessore division, vice Mr. H. M. Pigou, who has resigned the service.

The Honorable R. Forbes to officiate, until further orders, as civil and session Judge of Dinagore.

Mr. P. G. E. Taylor to officiate as collector of Moorsshedabad, during Mr. Forbes' absence, or until further orders.

Mr. F. Staniforth to be magistrate and deputy collector of Beerbhoom, vice Mr. W. J. H. Money, Mr. Staniforth will continue to officiate as collector of the above district, until further orders.

Mr. R. M. Skinner to officiate until further orders, as magistrate of Mymensingh. Mr. E. V. Irwin will continue to officiate as collector of that district, until further orders.

Mr. F. B. Kemp to officiate as joint magistrate and deputy collector of Tipperah, until further orders.

Baboo Ransomoy Dutt to officiate as a commissioner of the Court of Requests, vice Mr. J. W. Macdonald, who is about proceeding to the Cape of Good Hope, on medical certificate.

Baboo Chatterbhoy Pattna to be deputy collector in the southern division of Cuttack, under the provisions of Regulation IX. of 1833.

The following officers have obtained leave of absence from their stations:

Mr. J. B. Elliott, special commissioner of Patna, for one month, on private affairs, from the 10th instant, or as soon after as the return of the steamer from Allahabad may permit.

Mr. J. J. Harvey, commissioner of revenue of the 16th or Chittagong division, for two months, to remain at the presidency, on urgent private affairs, from the 5th instant, retaining charge of his office.

Mr. W. Luke, officiating magistrate and collector of Saran, for one month, from the 5th ultimo, to visit the presidency, on private affairs. Mr. J. Alexander will officiate during Mr. Luke's absence.

The leave of absence granted to Mr. H. Moore, civil and session Judge of Chittagong, under date the 2nd November last, for six weeks, on medical certificate, is cancelled at his request.

It is hereby notified for general information, that the jurisdiction of the Superintendent of Police in the lower provinces, extends to the following districts:

Backergunge; Banoora; Baraset; Behar; Beerbhoom; Bhawalpore; Bora; Burdwan; Dacca; Dinagore; Faridpore; Hooghly; Jessore; Malda; Midnapore; Moonsheer; Moorsshedabad; Mymensingh; Noncoley; Nuddea; Patna; Pubna; Purneah; Rajshahye; Rungpore; Saran; Sirsa; Champaran; Shahabad; Sylhet; Tipperah; Tirhoot and 24-Pergunnahs.

8TH JANUARY.—The following officer has obtained leave of absence from his station.

Mr. F. E. Read, joint magistrate and deputy collector of Purneah, for two months, to visit the Presidency, preparatory to his proceeding to Europe on furlough.

9TH JANUARY.—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. W. J. Morgan to be an assistant to the magistrate of the 24-Pergunnahs.

Mr. W. Adam to officiate as a commissioner of the Court of Requests during the absence of Mr. C. W. Brictzke.

Mr. H. J. Thornton, late assistant surgeon of Commercally, is transferred to the civil station of Patna.

Mr. T. A. Dearman to be deputy collector in the District of Dacca and Mymensingh under the provisions of Regulation IX. of 1833.

Baboo Joynarain Doss to be deputy collector in the district of Banoorah under ditto ditto.

The following officers have obtained leave of absence from their stations:

Mr. T. Wyatt, officiating civil and session Judge of Bhawalpore for one month, to visit the Presidency, on private affairs. Mr. A. R. Young will conduct the current duties of the office.

Mr. R. Torrens, additional Judge of Chittagong, for six weeks on urgent private affairs.

Mr. Thos. Hagan, sub-assistant to the commissioner of Amnuz, to proceed to the Presidency, on medical certificate.

Mr. J. J. Jordan, Sudder Ameen and moonsiff of Backergunge, to visit the Presidency, on private affairs, from the 10th instant to the 15th proximo. Narhurry Sreemoney will officiate during Mr. Jordan's absence.

11TH JANUARY.—Mr. T. C. Loch, assistant to the magistrate of Nuddea, for one week, on private affairs, from the 14th instant.

JANUARY 16TH.—The Hon'ble the Deputy Governor of Bengal has been pleased to make the following appointments: Mr. A. Orville to be collector of Zillah Nadia, vice Mr. H. P. Russell who has proceeded to England on furlough.

Mr. J. A. F. Hawkins to be register of the courts of Sudder Dewanny and Nizamut Adawlut from the 10th instant, vice Mr. J. F. M. Reid.

Mr. J. P. Cathcart to be civil and session Judge of Purneah, vice Mr. B. Golding.

Mr. B. Golding to be ditto ditto of Jessore, vice Mr. Cathcart.

Mr. D. Pringle to officiate as commissioner of revenue of the 8th or Jessore division from the 20th instant, until relieved by Mr. Dampier, or until further orders.

The following officers have obtained leave of absence from their stations:

Mr. W. Dent, civil and session Judge of Shahabad for one month, to visit the presidency, on private affairs. Mr. H. S. Lane will conduct the current duties during Mr. Dent's absence.

Mr. W. Luke, officiating magistrate and collector of Saran, on extension of leave of absence to the 5th proximo, on private affairs.

Mr. Assistant Surgeon C. W. Faller, attached to the civil station of Nuddea, for ten days, on private affairs.

# GENERAL REGISTER.

**JANUARY, 1878.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. A. E. Campbell to be deputy collector in Zillah 24-Parganas; under the provisions of Regulation IX. of 1833.

Baboo Ramdhonse Ghose to be ditto ditto in Zillah Nuddea, under ditto.

**JANUARY 1878.**—Mr. J. Dunbar, officiating commissioner of the 14th or Jessore division, to proceed to the Cape of Good Hope for two years, on medical certificate, Mr. Dunbar has likewise obtained leave of absence, on sick certificate, until the sailing of the ship on which he may take his passage to the Cape.

**JUDICIAL AND REVENUE DEPARTMENT, NOVEMBER 21st.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointment.

Mr. F. Arrouch to be deputy collector in Zillah Sarun, under the provisions of regulation IX. of 1833

**JANUARY 1878.**—The following officer has obtained leave of absence from his station:

Mr. R. T. W. Boits, deputy collector under regulation IX. of 1833 in Zillah Burdwan, for six weeks, from the 1st ultimo, on medical certificate

**JANUARY 1878.**—Baboo Doorgachurn Chatterjee to be ditto ditto in Zillah Dacca under ditto.

Pundit Hurreechur Goopie to be Deputy Collector in Chittagong, under the provisions of Regulation IX. of 1833.

Baboo Goluck Chunder Boli to be ditto ditto in ditto under ditto.

Baboo Ramsonder Rai to be ditto ditto, in ditto under ditto.

Baboo Nobin Chunder Ghosal to be ditto ditto in ditto under ditto.

Baboo Govind Chunder Bysack to be ditto ditto in ditto under ditto.

Baboo Ketree Mohun Mokerjee to be ditto ditto in ditto, under ditto.

Baboo Harryhur Mookerjee to be ditto ditto in Bulloah, under ditto.

The following officers have obtained leave of absence from their stations:

Mr. G. F. Brown officiating Commissioner of Revenue of the 12th or Bhaugulpore Division, for one week, to visit Gyah, on private affairs

Mr. H. T. Raikes, Magistrate and Collector of Chittagong, up to the date on which the River Steamer *Experiment* may reach Chittagong, in extension of the leave granted to him on the 3d of November last.

M. W. M. Dirom, officiating Magistrate and Collector of Rajshahye, for one month, on private affairs. Mr. C. J. H. Graham will conduct the duties of the above office during Mr. Dirom's absence.

Mr. R. Houstoun, officiating Collector of Midnapore, for one month, from the date of his delivering over charge of the current duties of that office.

Mr. T. C. Trotter, Assistant under the Commissioner of Revenue of the 19th or Cuttack Division, an extension of leave, on private affairs, to the 10th proximo.

The unexpired portion of the leave of absence for two months; granted to Mr. J. J. Harvey, Commissioner of revenue of the 16th or Chittagong Division, on the 2d instant, to remain at the presidency on private private affairs, in charge of his office, is cancelled at his request.

**JANUARY 26th.**—Mr. Assistant Surgeon J. Lamb, attached to the Civil Station of Aizoda, has obtained leave of absence for two months, on medical certificate, in extension of the leave for six weeks, granted to him on the 19th ultimo.

## BY THE GOVERNOR GENERAL.

**POLITICAL DEPARTMENT. CAMP AT FUTTERPORE, DECEMBER, 1878.**—Lieutenant Colonel J. Stewart, resident at Hyderabad, has obtained twelve months' leave of absence, to proceed to the Cape of Good Hope, for the benefit of his health.

Major Cameron, first assistant to the resident, will receive charge from Lieutenant-colonel Stewart and will officiate as resident at Hyderabad, until further orders.

**CAMP AT MULWA, DECEMBER, 1878.**—Ensign L. T. Forrest received charge of the Nepal Escort from Lieutenant Gordon on the 5th inst.

Mr. A. Campbell received charge of the Nepal Residency from Mr. Hudson on the 5th instant.

**CAMP AT GAWNPORE, DECEMBER, 23d.**—Lieutenant G. Timine, of the 31st regiment native infantry, is appointed to be 2d in command to the western wa wa contingent under Major Burthwick, political agent at Mahlipore.

**CAMP AT GAWNPORE, DECEMBER, 26th.**—Mr. Assistant Surgeon John McCosh officiating 2d Assistant Presidency General Hospital was appointed on the 22d instant, to the medical charge of the 1st regiment of cavalry of the Oude Auxiliary Force.

*Camp, Gawnpore, December 30th.*

Captain R. G. Roberts, commissary of ordnance, is appointed to officiate as deputy principal commissary, from the 1st proximo, during the absence of Captain E. P. Gowan at the Cape of Good Hope, or until further orders.

Wm. CASEMENT, M. G.

*Secy. to the R. B. the Govr. Genl. Mly. Dept.*

**CAMP AT CHOREYPORE, JAN. 3d.**—Lieutenant Dobbs, the 3rd assistant to the commissioner for the Government of the territories of His Highness the sardar of Mysore, is appointed to be superintendent of the Nugger division, vice Mr. H. Stokes resigned. Lieutenant Dobbs will continue to officiate as superintendent of the Chittledong division until further orders.

**CAMP, AT FOOAH, JAN. 4th.**—Lieutenant M. Morrison, of the 52d regiment native infantry, is appointed to be assistant to the agent to the Governor General for the states of Rajpootana, vice Lieutenant Conolly. This appointment to have effect from the date of Lieutenant Conolly's embarkation for Europe.

**CAMP, AT MEERNAH NUGGER, 6TH JAN, 1878.**—Cornet C. G. Becher has been appointed adjutant of the 1st regiment of cavalry in the Oude Auxiliary force, vice Lieutenant Hailes resigned.

Ensign Rowley Hill, from the 1st regt of infantry to the 1st regt of cavalry in the Oude Auxiliary force as 1st subaltern, vice cornet Becher.

**JANUARY, 3d.**—Lieutenant-colonel Low Resident at Lucknow, made over charge of the duties of the Residency to captain Paton, his assistant, on the 15th ultimo.

W. H. MACNAGHTEN.

*Secy to the Govr Genl of India.*

*Camp Rujepore, January 9th.*—The right Hon'ble the Governor General is pleased to appoint captain S. P. C. Humfrays, of the 36th regiment of native infantry, to be Brigade major to the troops serving under the command of Brigadier Little, on the eastern frontier, during the period that his corps may form part of those troops.

Wm CASEMENT, M. G. *Secy. to the Govt. of India, Mly. Dept. with the Right Hon. the Govr. Genl.*

## GENERAL DEPARTMENT ECCLESIASTICAL.

*Camp, at Meerwa ke Sarala, the 6th January, 1878.*—The leave of absence, for one month, granted by the Hon'ble the Lieutenant Governor, to the Revd M. Ewing, under date the 11th November last, is to commence from the 15th ultimo, the date of that Gentleman's departure from Fatehgarh.

**CAMP JELLALABAD, JANUARY 1878.**—Captain J. W. Douglas to be 2d Assistant to the resident at Indore.

This appointment to take effect from the date of Major Johnston's resignation.

Mr. Assistant Surgeon R. Christie assumed medical charge of the residency at Nepal on the 1st instant.

By Order of the Right Hon'ble the Governor General

W. H. MACNAGHTEN,

*Secy. to the Govt. of India, with the Govr. Genl.*

**NOTIFICATION, GENERAL DEPARTMENT.—Head-Quarters, Camp, Gawnpore, 1st Jan. 1878.**—The Honorable Sir Charles Metcalfe, Bart., G.C.S. having this day received the sanction of the Governor General to relinquish his charge of the office of Lieutenant Governor of the N. W. Provinces, with permission to proceed to the presidency, preparatory to his embarkation for Europe, the Governor General has, in conformity with the resolution recorded in the Legislative Department on the 4th September 1877, assumed the immediate superintendence of the Affairs of those provinces.

The Governor General is pleased to direct, that Sir Charles Metcalfe shall continue to receive all the honors due to the station of Lieut. Governor, and that the officers of his personal staff shall remain attached to him until he may finally vacate that office by his embarkation for Europe.

Mr. C. Macnaghten is appointed to be secretary to the Governor General for the N. W. Provinces, in the Judicial, Revenue and General Department.

Mr. J. Thompson to officiate as ditto di to during the absence of Mr. Macnaghten, or until further orders.

By Order of the Right Hon'ble the Governor General of India

(Signed) W. H. MACNAGHTEN,

*Secy. to the Govt. of India, with the Govr. Genl.*

**10TH JANUARY 1878.**—Mr. George Alexander, officiating Post Master General, has obtained leave of absence for two months, to proceed to the Sand heads for the benefit of his health—to take effect from the date of the departure from Calcutta of the "Saugor" pilot vessel.

Mr. H. Anbert is appointed to officiate, vice Mr. W. Adam for Mr. J. B. Warrige, as Clerk to the committee for controlling the expenditure of stationary.

*Camp, Unmrilpore, January, 11th.*—Mr. R. H. P. Clarke Joint Magistrate and Deputy Collector of Barlicelle, has obtained leave of absence for twelve months, from the 20th Nov. 1877, on medical certificate.

J. THOMASON, *Offy. Secy. to Govr. Genl. N. W. P.*

BY THE LIEUTENANT GOVERNOR OF THE  
N. W. PROVINCES.

**JUDICIAL AND REVENUE DEPARTMENT, AGRA, DECEMBER, 11th**—Mirza Aka Nawab is appointed deputy collector under Regulation IX. of 1833, in Zillah Ghazee-pore.

**13th DEC.**—Mr. W. R. Timias to officiate as magistrate and collector of Budson.

Mr. R. Montgomery to officiate as Magistrate and collector of Allahabad. Mr. Montgomery is authorised to make over charge of his present office as officiating magistrate and collector of Azimgur to Mr. H. C. Tucker, who will officiate in those capacities until further orders.

Mr. E. T. Colvin to be an assistant under the commissioner of the Meerut division.

Mr. J. J. W. Taunton to officiate as magistrate and collector of Ghazee-pore. Mr. Taunton will make over the cases under regulation II. of 1819 and II. of 1838 now on his file as deputy collector to Mr. M. Smith at Allahabad, who is authorised to exercise the powers hitherto possessed by Mr. Taunton in the districts of Benares, Jaunpore, Mirzapore and Ghazee-pore.

**16th DEC.** 1837—Mr. E. H. C. Monckton is appointed to be an assistant under the commissioner of the Rohilkund division.

Mr. F. Currie, commissioner of the Benares division, has obtained leave of absence for ten months, or medical certificate, to visit the Hills North of Dehra. Mr. E. P. Smith is authorised to continue to officiate as commissioner of the Benares division during Mr. Currie's absence.

**Camp Chuppera Now, December, 26th**—Nawab Mohammad Abdoolah Khan, Bahadour, Principal Sudder Aumeen of Mynpoory has obtained leave of absence for ten days, to visit Futtee-gur on his private affairs.

**Camp Goorsalgunge, December, 27th**—Ahmad Oollah Khan is appointed Deputy collector under regulation IX. of 1833, in Zillah Benares.

**Camp Meerut Ka Serai, December, 26th**—The following officers have obtained leave of absence:

Mr. G. W. Bacon, Judge of Seharunpore, for fifteen days, from the 8th proximo, 1838, to visit Agra on his private affairs, Mr. W. J. Conolly, magistrate and collector of the district, to conduct the current duties of the Judge's office, until Mr. Bacon's return.

Mr. A. W. Begbie, Judge of Mynpoory, for fifteen days, from the 5th proximo, 1838, to visit Futtee-gur on his private affairs.

**Camp Arraut, 29th December, 1837**—Mr. R. N. C. Hamilton is appointed to officiate as commissioner of the Agra division.

J. THOMASON.

*Offg. Secy. to the Lt. Govr. of the N. W. P.*

**GENERAL DEPARTMENT AGRA, 16th DECEMBER, 1837**—Mr. assistant surgeon H. J. Tucker, M. D., officiating civil assistant surgeon at Mookhuff-mugger, is, at his own request, placed at the disposal of His Excellency the Commander in Chief.

Mr. assistant surgeon J. F. Bacon, attached to the civil station of Shajehanpore, transferred to Mooradabad in the same capacity. Mr. surgeon John Forsyth, of the 56th regiment, stationed at Shajehanpore, appointed to take medical charge of the civil station.

**GENERAL DEPARTMENT.—Camp Sehoabad, 20th December 1837.**

—Mr. R. Woodward, of the civil service, is permitted to proceed to Europe, for one year, on private affairs.

**CAMP MEERUT DECEMBER 29th**—Lieutenant A. Ramsay, Assistant to the commissioner at Kumaon, has leave of absence, on medical certificate, to remain at Meerut, for the re-establishment of his health, from the 23d instant to the 1st of March 1838.

R. N. C. HAMILTON.

*Offg. Secy. to the Lt. Govt. N. W. P.*

## MILITARY APPOINTMENTS.

## BY THE PRESIDENT IN COUNCIL.

**Fort William, 31st December, 1837.**—No. 252 of 1837.—In consequence of the severe illness of Major Stoddart, Brevet major Charles Rogers, of the 20th regiment native infantry, is directed to take charge of the office of the pay master at the presidency, until the pleasure of the Governor General shall be known.

**Fort William, December 29th**—No. 253 of 1837.—With adherence to general orders, No. 57 of 1833 and No. 5 of 1837, the Hon'ble the President in Council is pleased to direct, that the special prize committee at Meerut be in future composed of the senior regimental officer, the pay master of "invalids," the deputy assistant adjutant general and the brigade major at the station.

No. 254 of 1837.—The undermentioned men of Her Majesty's service are permitted to reside in India as out-pensioners of Chelsea hospital and draw their pay at the stations specified opposite their respective names, according to the 55th article of the pension warrant of the 14th November 1829, pending a reference to horse guards as to the amount of their pensions.

11th Light Dragoons.—Farrier Major George Walker Calcutta  
14th Regiment Foot.—Color Sergeant Ephraim Edmunds, Drum major Daniel Polson, Private Samuel Bail, and Private George Poits, Calcutta.

No. 255 of 1837.—The Hon'ble the President in Council is pleased to assign rank to the undermentioned 2d lieutenants, cornets, ensigns, and assistant surgeons, from the dates specified opposite their respective names:

Artillery.—John Mill, 9th December, 1836 and Henry Lewis, 12th June, 1837.

Cavalry.—Francis Walker Drummond, and Frederick Neil Esq. monitors, 2d June, 1837; Frederick James Alexander, 26th July; John James Galloway, John Munro, 1st August; Robert Christie, 27th ditto, and Archibald Stewart Galloway, (not arrived 21st September, 1837).

Infantry.—Richard William Henry Fanshawe, William Wayne, Orferu Cavenagh, Thomas Cole, Athill Turner, James Paulino (not arrived) Deane Christian Shute John Crommelin Lamb, Cecil Richardson Fowler, Arthur Carrington, Henry James William Carter, Richard John Farrer, Bryan Martin Loveday, James Keith Forbes, Walter William Davis Vayle, John Cooper Fitzmaurice and John Stafford Paton, 12th June, 1837; Thomas Spankie B. A., John Robinson, Peter Henry Knight Dewar, Victor Alexander Sandeman, Alfred Chicheley Flowden, Alexander Skene, Martin Billeau Wish, William Smith, Edward Close, Peter Drummond, James Grant Stephen, Dumries Crawford

Alston, and William Hooper, 13th ditto; Frederick Mills, 28th ditto; Joseph Peter Paterson Trustott Hawkey, 18th July; James Clarke, and Robert Henry Hicks, 26th ditto; Charles Patrick White, 3d August; Alexander Robinson, 27th ditto; William Henry Williams, (not arrived) 14th September.

N. B.—The rank as ensign assigned to Mr. James Hutton, an Infantry cadet, in Government General orders No. 230, of the 27th ultimo, is cancelled, he having been compelled, by ill health, to resign his appointment, and is to be struck off the list of cadets, No. 9 of 1837.

Medical department.—Manby Nightingall, May 18th 1837; Archibald Donaldson, M. D., 2d June; Lewis Thackeray Watson, 28th ditto; George Schuyler Carnew, 8th August; John Arnott, M. D., 22d ditto; Elliot Voyle Davies, 27th ditto.

J. STUART, *Lieut. Col.*

*Offg. Secy. to the Govt. of India Mty. Dept.*

**Fort William, December 29th**—No. 256 of 1837.—The undermentioned officers of Infantry are promoted to the rank of captain by brevet, from the dates expressed opposite to their names:

6th Regiment native Infantry.—Lieutenant Henry Beatty, 16th December 1837.

69th Ditto.—Lieutenant Wm. Stuart Monteath, 15th December 1837.

47th Ditto.—Lieutenant William Biddulph, 26th December 1837.

His honor in Council is pleased in compliance with the application of Assistant Surgeon John Smith, of the medical department to direct that: he shall hereafter appear on the strength of the army under the name of John Smith and as a doctor of medicine.

The undermentioned officers have returned to their duty on this establishment, without prejudice to their rank, by permission of the Honorable the Court of Directors:

Captain John Fitzgerald, of the 2d regiment light cavalry, date of arrival at Fort William, 13th December 1837.

Captain Charles Griffin, of the 61st regiment native Infantry, ditto 2d ditto.

Lieutenant John Butt, of the 6th regiment light cavalry, ditto 17th ditto.

Surgeon John Turner, of the medical department, ditto 17th ditto.

Assistant Surgeon John Smyth, M. D., of the medical department, ditto 16th ditto.

Assistant Surgeon Andrew Henderson, of the medical department, ditto 2d ditto.

The following gentlemen are admitted to the service, in conformity with their appointment by the Honorable the Court of Directors as cadets of artillery and infantry on this establishment, and promoted to the rank of 2d lieutenant and ensign respectively,

leaving the dates of their commissions for future adjustment :  
 Artillery.—Mr. Henry Lewis, date of arrival at Fort William, 17th December 1837, and Mr. John Mill, ditto 18th ditto.  
 Infantry.—Messrs. Deane Christian Shute, Arthur Carrington and Athill Turner, ditto 16th December 1837; Walter William Davies Voyle and Orfeur Cavenagh, ditto 17th ditto, and Byam Martin Loveday ditto 18th ditto.

The undersigned officers are permitted to proceed to Europe on furlough:

Brigadier Gabriel Richard Penny, of the 11th regiment N. I., commanding the station of Barrackpore; Lieutenant Colonel Joseph Harris, of the 33d regiment N. I., and ensign Robert Inglis, of the 37th regiment N. I., on medical certificate.

Brigadier Colonel Forster Walker, of the 33d regiment N. I.; Captain Frederick Goventry, of the 6th regiment light cavalry; Lieutenant George Richard Siddons, of the 1st regiment light cavalry, and Lieutenant Printz Shortroad, of the 17th regiment N. I., on account of private affairs.

Surgeon Nathaniel Morgan, of the medical department and of the Nizam's service, is permitted to proceed to Europe on furlough, on account of his private affairs, from Bombay.

Colonel John Peter Bollaue, of the regiment of artillery, is permitted to proceed to the Cape of Good Hope, on medical certificate, and to be absent from Bengal on that account for two years.

Lieutenant John Michael Loughnan, of the 10th regiment light cavalry, fort adjutant of Fort William, is permitted to proceed to New South Wales, on medical certificate, and to be absent from Bengal on that account for two years.

1st Lieutenant R. Walker, of the regiment of artillery Aide de camp to Major General Sleish, of the staff of the Madras army, has leave of absence from the 15th January to the 15th July next, to enable him to rejoin his company.

Major Peter Johnston, of the 5th regiment native infantry, 2d assistant to the resident at Indore, is permitted to retire from the service of the East India Company, from the 15th instant, on the pension of a Lieutenant Colonel, agreeably to regulation of the 23d May 1836.

Captain William Ellis, of the 45th regiment native infantry, is permitted to retire from the service of the East India Company, on the half pay of his rank, from the date of departure of the ship on which he may embark for Europe.

His honor in Council is pleased to make the following promotions:

Ordnance commissariat department.—Sub-conductor Joseph Vyal to be conductor, and Sergeant Patrick Bentley to be sub-conductor, from the 29th November, 1837, vice Irish deceased.

Sub-conductor Henry Michell to be conductor, and Sergeant major Joseph Higblottom of the 6th regiment native infantry to be Sub-conductor, from the 30th November, 1837, vice Carn deceased.

Conductor Edward Townsend, attached to the 5th division department of public works, has leave of absence for three months from the 10th ultimo, to visit the presidency, preparatory to applying for leave to proceed to Europe, on medical certificate.

The services of apothecary Francis Peterson, at present attached to the garrison dispensary in Fort William, are placed at the disposal of the Honorable the Deputy Governor of Bengal, for the performance of medical duties in Arracan.

Assistant Apothecary James Hifferan is appointed by the Deputy Governor of Fort William, to the garrison dispensary in Fort William, vice Peterson.

Memorandum.—The date of the return from the furlough of Major G. N. C. Campbell, of the regiment of artillery, and Captain W. Saurin, of 31st regiment native infantry, is the 15th instant, instead of the 16th, as announced in general orders No. 256, of the 18th instant. The order books to be altered accordingly.

Fort William, December, 29th 1837.—No. 257 of 1837.—In continuation of General Orders No. 75, of the 10th April last, the following para. of a Military Letter, No. 3, from the Hon'ble the Court of Directors to the Governor General of India in Council under date the 5th July 1837, and the further warrant, dated the 26th May 1837, granting additional advantages to Soldiers in Her Majesty's Service, for good conduct, therein referred to, are published in General Orders.

Para. 1. In continuation of our Letter in this Department dated the 19th October 1836, No. 12, we transmit a further Warrant received from Her Majesty's Secretary at War dated the 26th May 1837, granting additional advantages to Soldiers for good conduct, you will adopt similar measures for bringing this Warrant into operation to those pursued by you on carrying into effect the previous Warrant which accompanied our Letter of October 1836 above quoted.

[Here follows the Good conduct Warrant dated 25th May 1837, which was inserted in the *India Gazette* of the 13th ultimo.]

Fort William, Dec. 29th.—No. 253 of 1837.—The Hon'ble the President in Council has much pleasure in publishing to the Army the following extract paragraphs 2 to 5) of the letter from the Hon'ble the Court of Directors, to the Government of India, No. 5, dated 20th September 1837, announcing the grant of additional advantages to the Senior Officers of the Army in respect of Retiring Pension.

Para. 2. In our letter of the 23d December 1835, we announced to you that as we considered it hopeless to expect that any

Military Retiring Fund could be successfully formed, we had thought it right so far as we could feel justified in doing so to provide for the object contemplated in schemes of that nature by an enlargement of the Retiring Regulations, and that we had in consequence resolved to grant the full pay of Captain to every officer who should have served in India 24 years, (3 years furlough included) whether he had attained that rank Regimentally or not, and the full pay of each of the superior ranks of Major, Lieutenant Colonel, and Colonel after the completion of an additional period of 5 years service for each of those ranks in such case, viz.

For Major's pay, 28 years service, including 3 years for a furlough.

For Lieut. Colonel's pay 33 ditto ditto.

For Colonel's pay, 34 ditto ditto.

Being now of opinion that some additional advantage in respect of the periods of retirement may properly be granted to the Senior Officers who would have been more especially the immediate objects of benefit from a Retiring Fund had such a fund been established, we have resolved that the period of service to qualify an Officer for the pay of each advanced rank after that of Captain, shall be reduced from five to four years, the periods of service in India required for each rank being consequently hereafter as follows, viz.

Every Officer who shall have served 23 years (3 years furlough included) shall be allowed to retire on the pay of a Captain whether he shall have attained that rank Regimentally or not.

Every Officer who shall have served 27 years (3 years furlough included) shall be allowed to retire on the pay of a Major whether he shall have attained that rank or not.

Every Officer who shall have served 31 years (3 years furlough included) shall be allowed to retire on the pay of a Lieutenant Colonel whether he shall have attained that rank or not.

Every Officer who shall have served 35 years (3 years furlough included) shall be allowed to retire on the full pay of a Colonel whether he shall have attained that rank or not.

4. The arrangements to have effect without prejudice to any claims arising out of the Retiring Regulations as established in the year 1796.

5. We desire that it may be distinctly understood that the present is a final measure. You will accordingly decline to forward to us any application which may have in view a further extension of the Regulations now established with regard to the retirement of our Military servants.

Fort William, December 29th.—No. 259 of 1837.—The Hon'ble the President in Council is pleased to direct that the following paras. of a military letter from the Honorable the Court of Directors to the Bengal Government, No. 71, dated 30th August 1837, and its enclosures, be published in general orders.

Para. 1. We forward for your information the copy of a resolution adopted by us on the 30th November 1836, for granting honorary certificates of diligence and good conduct to those gentlemen cadets at a military seminary, who although they may have been unsuccessful in obtaining engineer appointments, may yet be considered as meriting some testimony of approbation for the exertions in study and regularity of behaviour whilst at the institution.

2. We have now to inform you that at the public examination which was held at the military seminary on the 12th June last, Messrs. Henry Lewis and Robert Christie were found to have rendered themselves worthy of the distinction of receiving the honorary certificate which was presented to them in our name accordingly.

3. In conformity with the last part of our resolution of the 30th November 1836, we forward for your observation, and also for publication in general orders, a copy of the report of Major General Sir A. Dickson on the merits of Messrs. Lewis and Christie, who were selected for the artillery and stationed to your presidency, but Mr. Christie has since been allowed to resign that branch of the service for a cavalry appointment.

At a Court of Directors held on Wednesday the 30th November 1836

Resolved.—That this court entirely concur in the propriety and expediency of the suggestions which are offered in the letter from Colonel Sir Alexander Dickson and Colonel Tannous, with a view to the encouragement of young men of talent at the military seminary, to persevere in the diligent study of the various branches of science pursued at that institution.

That as, from the want of vacancies in the scientific corps, there is not at the present period sufficient object for emulation, it is desirable as an incitement to increased application on the part of the gentlemen cadets, to grant honorary certificates of diligence and good conduct to those who, although they may have been unsuccessful in attaining engineer appointments, may be considered to merit some testimony of approbation for their exertion in study and regularity of behaviour while at the institution.

That honorary certificates be accordingly granted to such cadets appointed to the artillery and infantry, as may have attained to the required standard of qualification by the fulfilment of the following conditions which shall be deemed requisite to render a cadet eligible thereto, viz.

1. In Mathematics—to have gone through the course to the end of fluxions

2. Fortification—to have completed the course.

3. Military drawing—the surveys to be well and correctly finished and to have attained a fair proficiency in military drawing.

4. Civil drawing—to have observed unremitting diligence and industry.



In Hindostanee—to be able to read and translate at the public examination.

- French ?—to have observed every diligence and industry in these branches.
- Latin ?—to have borne in the reports generally a character of diligence and good conduct.

That the gentlemen cadets obtaining these certificates (which are to be engraved in a suitable manner) be allowed the privilege of selecting the presidency to which they shall be posted, and that their names with a suitable statement of their merits be communicated by the court for the observation of the local Governments, and also for publication in general orders to the army.

*Report of Major General Sir Alexander Dickson, K. C. B., 15th June, 1837.*

It has afforded me much pleasure on this occasion to witness the presentation of honorary certificates to the following gentlemen cadets, which from their diligence and good conduct they fully merited; and I trust that the distinction thus conferred will have the best effect by exciting increased emulation in study; viz:

*Names of cadets who received honorary certificates.*

1. Mr. Henry Lewis.
2. Mr. Robert Christie.

No. 266 of 1837.—The Honourable the President in Council is pleased to direct, that the following extract (para. 2 to 6) of a military letter from the Hon'ble the Court of Directors, No. 59, dated 9th August 1837, be published in general orders:

Para. 2. It is our wish and desire that regimental rise should in every case be brought into full operation at the earliest practicable period after the arrival of the cadet at the presidency for which he is appointed.

3. With this view the lists of rank of cadets are forwarded by the first opportunity after they can be finally arranged, and upon an average no cadet has been more than two or three months in India before you are apprized of the order in which he stands for succession to a regimental vacancy. If there be then a vacancy and he a new first of the unposted cadets he should be immediately appointed to fill it, so that his participation in the chances of regimental rise may be once commenced.

4. The supply of cadets being duly apportioned to the wants of the service it will seldom happen if the above rule be carefully acted upon, that any one regiment has more than one vacancy at a time and consequently that under ordinary circumstances no necessity will arise for the transfer of cornets or ensigns from one regiment to another.

5. Should cases arise hereafter in which there are two or more vacancies in any one regiment whilst other regiments of the same army are complete, we concur in opinion with the Commander in Chief that the senior cornet or ensign would gain one step by removal should it be granted that advantage.

6. No cornet or ensign is removable for purposes of promotion except at his own request, and as there are difficulties in the way of ascertaining the wishes of individuals in this respect at the time when contingency arises, we desire that it be established as a regulation that every cornet or ensign who may wish to be removed to any corps by removal to which he would gain one or more steps shall notify his wish to that effect to the Adjutant General of the army, within one month from the date of his being first posted—should he afterwards desire to alter this determination he may notify the same to the Adj. General. The Commander in Chief with thus at all times be in possession of the necessary information to enable him to equalize the number of cornets or ensigns in each corps with due attention to the interests of all concerned.

*Fort William, January 5th.*—No. 3 of 1838.—The President in Council is pleased to make the following promotions:

Right Wing European regiment.—Ensign Frederick Summers Macmillan to be lieutenant, from the 15th December 1837, vice Lieutenant Andrew Dick deceased.

5th Regiment N. I.—Captain Stephen Swayne to be major; Lieutenant Charles William Haigh to be Captain of a Company and ensign Ralph Downs to be lieutenant, from the 15th December 1837, in succession to Major Peter Johnston retired on the pension of a lieutenant colonel.

21th Regiment N. I.—Ensign John Guise to be lieutenant, from the 1st January 1838, vice Lieutenant George Brockman resigned.

Medical department.—Assistant Surgeon Richard Shaw to be surgeon, from the 31st December 1837, vice Surgeon John Swiney, M. D., retired.

The undermentioned officers of cavalry and infantry are promoted to the rank of Captain by brevet, from the dates expressed opposite to their names.

Lieutenant John Bracken, of the 29th regiment native infantry, 2d January 1838.

Lieutenant Edward Watt, of the 6th regiment light cavalry, 2d January 1838.

Lieutenant John Christie, of the 3d regiment light cavalry, 4th January 1838.

The Hon'ble the Deputy Governor of Fort William has been pleased to appoint Assistant surgeon H. H. Spry, to officiate until the pleasure of the Governor General be known, as 1st assistant garrison surgeon of Fort William during the absence of Dr. Bell, on sick certificate.

1st Lieutenant Francis Claude Burnett, of the regiment of artillery, has returned to his duty on this establishment, without prejudice to his rank, by permission of the Hon'ble the Court of Directors, date of arrival at Fort William, 17th December 1837.

The undermentioned officers are permitted to proceed to Europe on furlough:

Colonel Richard Collyer Andree, of the 7th regiment N. I.; Captain William Geddes, of the regiment of artillery; Lieutenant George Hatchings of the 59th regiment N. I. and Assistant Surgeon Adam Murray, M. D., of the medical department, on account of private affairs.

Lieutenant Colonel Hugh Morrison, of the 57th regiment N. I.; ensign Charles Doveton, of the 14th regiment N. I., and ensign George Jenkins, of the 21st regiment N. I., on medical certificate.

Lieutenant Colonel James Tennant, the regiment of artillery, is permitted to proceed to the Cape of Good Hope, on medical certificate, and to be absent from Bengal on that account for two years.

Lieutenant Richard Samuel Tickell, of the 72d regiment native infantry, sub assistant commissary general, has leave of absence from the 29th January 1838 to the 25th January 1839, to visit Simla, on medical certificate.

The leave of absence obtained by Captain William Froeth, of the 56th regiment native infantry, in general order No. 246, of the 18th ultimo is cancelled at the request of that officer. Conductor Edward Townsend, of the department of public works, is permitted to proceed to Europe on furlough, on medical certificate.

Serjeant Major Frederick Whitehead, on the 26th regiment native infantry, is admitted to the benefit of the pension sanctioned by minutes of council of the 11th of January 1837 and general orders dated the 5th February 1839, subject to the confirmation of the Hon'ble the Court of Directors, with permission to receive his pension at Deyah.

No. 4 of 1838. The President in council is pleased to make the following appointments:

Surgeon John Sawers, 3d and officiating as 2d member of the medical board, to be 2d member, vice swiney retired, and to officiate as 1st member, during the absence of Surgeon Lanestaff.

Superintending Surgeon Thomas Smith, officiating 3d Member, to be 3d member of the Medical Board, vice sawers, and to officiate as 2d member, during the absence of Surgeon Lanestaff.

Superintending Surgeon Colin Campbell to officiate as 2d member of the Medical Board, during the absence of Surgeon Lanestaff, or until further orders.

Surgeon Alexander Halliday, M. D., officiating superintending surgeon, to be a superintending surgeon on the establishment, vice Smith appointed to the medical board.

Surgeon George Kint, garrison surgeon at Chunar, to officiate as superintending surgeon, during the period Mr. Campbell may be employed in the Medical Board, or until further orders.

The foregoing appointments are to have effect from the 31st ultimo.

*Fort William, 3d January 1838.*—No. 2 of 1838.—Lieutenant Arthur Conolly, of the 6th Regiment Light Cavalry, Assistant to the Governor General's Agent in Rajpootanah, is permitted to proceed to Europe on Furlough, on Medical Certificate.

*Fort William, January 1st.*—No. 5 of 1838.—The undermentioned officers are permitted to proceed to Europe on furlough:

Major General Martin White, of the 22d regiment native infantry; Lieutenant Colonel John Taylor, of the 29th regiment native infantry; Captain Thomas Fisher, of the 48th regiment native infantry; Lieutenant Kenneth John White of the regiment of artillery; Lieutenant Whalley Master, of the 7th regiment light Cavalry; Lieutenant Samuel James Tabor, of the 7th regiment light cavalry, and Surgeon Thomas E. Baker, of the medical department, on account of private affairs.

Lieutenant Colonel Henry Cook, of the 23d regiment native infantry and brevet Captain William Biddulph, of the 45th regiment native infantry, on medical certificate.

In general orders No. 1, dated the 2d instant, publishing offering advances for the year 1837, the word "Europe" inserted by desire of Major General William Hopper opposite to his name in the statement, is changed to "India," to enable him to draw the advance of Company's rupees (3,766) three thousand two hundred and sixty-six.

No. 7 of 1838.—Assistant Surgeon W. B. O'Shaughnessy, M. D., professor medical college, is exempted from the operation of clause 25 of general orders No. 25, of the 28th January 1835, prohibiting the European assistant in that institution from entering into private practice.

*Fort William, January 19th.*—No. 12 of 1838.—The Hon'ble the president in council is pleased to make the following appointment.

Lieutenant Colonel John Cheape, of the corps of engineers, to be executive engineer of the 13th or Kurnaul division department of public works.

Cornet George Rowcroft Budd, of the 3d regiment light cavalry, is permitted to proceed to Europe on furlough, on medical certificate.

*Fort William, January, 22nd 1838.*—No. 13 of 1838.—The Hon'ble the President in Council is pleased to make the following Promotions and Alteration of Rank:

46th Regiment native infantry.—Lieutenant and Brevet Captain Robert Warden Fraser to be Captain of a Company, and

# GENERAL REGISTER.

**Ensign Henry Colvin Jackson** to be Lieutenant, from the 12th January 1838, in succession to Captain William Ellis, retired on the Half Pay of his rank.

**Medical Department.**—Assistant Surgeon Augustus William Stuart to be Surgeon, vice Surgeon William Thomas retired, with rank from the 31st December 1837, vice Surgeon John Swinney, M. D., retired.

Surgeon Richard Shaw to rank from the 1st August 1837, vice Surgeon William Thomas retired.

The undermentioned Officer of the Infantry is promoted to the rank of Captain by Brevet, from the date expressed opposite to his name:

7th Regiment N. I.—Lieutenant Samuel Robinson Bagshawe, 18th January, 1838.

The undermentioned Officers are permitted to proceed to Europe on Furlough:

Lieutenant and Brevet Captain Francis Thomas, of the 73d Regiment N. I., and Lieutenant Richard George Grange, of the 10th Regiment N. I., on medical certificate.

The permission granted by the Bombay Government to Captain Henry Patch, of the 73d Regt. Bengal N. I., to proceed from that Presidency to Europe on Furlough, on medical certificate, as well as the previous leave to remain at Bombay till the 31st December last, granted to that Officer in extension of the leave obtained by him in Bengal, are confirmed by the Supreme Government.

No. 14 of 1838.—The Forms A. and B. of reports on the claims of discharged and deceased men claiming Ava Prize Money, attached to General Orders No. 245, of the 19th December 1836, not being suited in the case of individuals who belonged to the Marine force from Bengal, employed on the late expedition to Rangoon, the Hon'ble the President in Council is pleased to direct the publication of two other Forms C. and D. in substitution, as follows, and to authorize the signature thereto of the Secretary to the Marine Board to be considered sufficient to enable the General Prize Committee to act upon the Reports in orders:

## C

*Reports on the Claims of removed or discharged Men belonging to the Marine Department for Ava Prize Money.*

Name of Claimant	On what Vessel employed.	In what capacity.	Salary	Remarks
				<p>I hereby Certify that from the documents produced and his reply to our questions, I have reason to believe, that the said ——— is entitled to a share of Ava Prize Money having served as ——— in the Ship ——— and that he is now reading or serving (as the case may be) at ———.</p> <p>(Signed) ———, Secy. Marine Board. (Date)</p>

## D.

*Report on the Claims of the Representatives of deceased Men belonging to the Marine Department for Ava Prize Money.*

On whose behalf claimed.	On what Vessel served.	In what capacity.	Salary	By whom claimed	Remarks.
					<p>I hereby Certify that ——— has established his (or her) claim to the Share of Prize Money to which ——— is entitled as having been employed during hostilities against the Burmese States being the ——— (or next or nearest of Kin as the case may be) and that proof has been given that the said ——— is dead.</p> <p>(Signed) ———, Secy. Marine Board. (Date)</p>

J. STUART, Lieut.-Col.

Offg. Secy. to the Govt. of India, Mily. Dept.

**Fort William, January 15th.**—No. 8 of 1838.—The following list of rank of a cadet of cavalry, appointed for the Bengal presidency, is published for general information:

No. 4 of 1837.

*List of rank of a cadet for the Bengal cavalry*

To rank from the sailing from Gravesend of the ship by which he proceeded:

William Fisher, *Roxborough Castle*, sailed 5th October 1837.

(Sd)

PHILIP MELVILL.

Secy. Mily. Dept.

*East India House, 18th October 1837.*

(A true Copy.)

(Sd) JAMES C MELVILL, Secretary.

*East India House; London, the 28th October 1837.*

No. 9 of 1838.—The following paragraphs of military letter of No. 76, dated the 18th October 1837, from the Honorable the Court of Directors are published for general information:

Para. 2. Major Benson, Lieutenant Martin, and Ensign Anderson (permitted to return overland to their duty) have been informed that their Indian allowances will not commence until they shall have reached the presidency or joined the corps to which they belong.

3. We have granted additional leave to the following officers, viz.

Lieutenant Colonel S. Hawthorn; Lieutenant Colonel H. L. White, and Captain Sir R. Colquhoun, Bart. for six months.

Captain W. A. Smith, till November next.

Lieutenant Edward Meale, for nine months.

Lieutenants F. W. Cornish; W. S. Pilans; Henry Barry;

ensign Robert Hay; Surgeon Andrew Murray, M. D., and Assistant Surgeon E. Mitchell, for six months.

Assistant Surgeon J. J. Boswell, for twelve months.

4. We have permitted superintending Surgeon William Thomas to retire from the service. This vacancy has effect from the 1st August 1837.

No. 10 of 1838. The Hon'ble the President in Council is pleased to make the following promotions:

16th regiment native infantry.—Lieutenant George Abbott to be captain of a company, and ensign George Shair to be lieutenant, from the 10th of January 1838 in succession to Capt. Evans retired on the half-pay of his rank.

The undermentioned officers are permitted to proceed to Europe on furlough:

Major General William Hopper, of the regiment of artillery, on account of private affairs.

Lieutenant William Smith, of the 19th regiment N. I., on medical certificate.

No. 11 of 1838.—The pay, batta, and other allowances for January 1838 of the troops of the presidency, and at the other stations of the army, will be issued on or after Saturday the 10th proximo.

J. STUART, Lt. Col.

Offg. Secy. to the Govt. of India, Mily. Dept.

## BY THE COMMANDER IN CHIEF.

**Head Quarters, Camp, Delhi, December 5th.**—That part of the General Orders of the 29th October last, which directs the 2d company 6th battalion of artillery to proceed to Meerut for practice, is countermanded, and the company, with its field battery, will continue attached to the Delhi brigade.

The following Presidency division orders are confirmed:

12th November 1837.—Assistant Apothecary J. Dempsey, doing duty at the general hospital, to act as Assistant Apothecary and Assistant Steward to the detachment of recruits for the European regiment, proceeding to Agra by water, under the command of Captain F. Beatty.

17th November 1837.—Assistant Surgeon A. Donaldson, M. D. doing duty at the general hospital, to take medical charge of Captain Beatty's detachment of recruits, proceeding to Agra by water.

The following appointments, made in the Presidency division order of the 19th ultimo, for the duties of the hospital of H. R. Majesty's 3d regiment of light dragoons, are confirmed as a temporary arrangement:

Assistant Apothecary T. Nulty, on leave at the Presidency, to act as Apothecary.

Apprentice W. McKeon to act as Hospital Steward.

Apprentice T. Murphy to act as Assistant Apothecary.

Apprentices J. B. Hanly and T. Coleman to do duty in the hospital.

There being no qualified officer present with the 9th native infantry, Lieutenant A. Q. Hooper, of the 24th regiment, is appointed to act as Interpreter and Quarter master to that corps, and directed to join.

**Head Quarters, Camp, Delhi, December 6th.**—The Sirhind division order of the 19th ultimo, directing Surgeon B. W. Macleod, M. D. of the 3d regiment of cavalry, to receive medical charge of the 37th regiment of native infantry from Surgeon W. S. Charles, M. D. is confirmed.

The Benares division order of the 27th ultimo, appointing Assistant Surgeon T. Smith, M. D., of the 8th regiment of light cavalry, to the medical charge of the artillery assembled for practice at Sultanpore, is confirmed.

Ensign J. W. Carnegie, of the 15th regiment native infantry, having been declared by the examiners of the college of Fort William to be qualified for the office of interpreter to a native corps, is exempted from further examination in the native languages.

Ensign George Gardner-Bowring is, at his own request removed from the 47th, and posted to the 9th regiment of native infantry.

Ensign Thomas Latter is, at his own request, removed from the 4th, and posted to the 67th regiment of native infantry.

Jemadar Moh put Sin, late of the 69th regiment native infantry, and who was transferred to the pension establishment by general orders of the 30th of August 1833, is in consequence of his wounds and length of service, allowed the additional invalid pay of his rank, from the 20th ultimo.

The undermentioned officers have leave of absence:

Infantry—Ensign C. Daveton, doing duty with the 40th native infantry, from 21st November to 25th February 1834, to proceed to the presidency, on medical certificate, preparatory to applying for leave at sea.

Ordnance commissariat department—conductor J. Graves, from 15th December to 15th March, 1833, to visit Allahabad, on private affairs.

**Head Quarters, Camp, Delhi, December 16th.**—Lieutenant Colonel C. A. G. Wallington's regimental order of the 17th ultimo, appointing Lieutenant H. Hollings to act as Intrepeter and quarter master to the 66th native infantry, during the absence on duty, of Lieutenant Nugent, is confirmed.

The presidency division order of the 12th of August last appointing hospital apprentice James Healy to act as apothecary and hospital apprentice J. Sheetz as assistant apothecary, under the orders of the surgeon to the right Honorable the Governor General, is confirmed.

The general order of the 15th ultimo, directing Major P. L. Pew, of the 2d battalion of artillery to proceed forthwith to Nussacrah, is to have effect from the 13th instant, that officer having been detained, since the publication of the order, on duty at Delhi.

The undermentioned officers have leave of absence.

22d regiment native infantry—Major O. Hamilton, from 20th December to 20th June 1833, to visit the presidency, preparatory to applying for furlough.

27th regiment native infantry—Lieutenant T. Hutton, from 1st March 1834 to 3rd Oct., 1836, in extension, to remain in the hills, on private affairs.

53d regiment native infantry—Captain W. Barnett, from 4th November to 4th November 1833, in extension, to remain in the hills north of Deyrah, on medical certificate.

**Head Quarters, Camp, Allepore, December 11th.**—The Agra garrison order of the 20th of October last, directing assistant surgeon J. S. Login, M. D., to afford medical aid to the 4th battalion of artillery, is confirmed as a temporary arrangement.

The Agra garrison order of the 20th ultimo, directing garrison surgeon D. Woodburn to make over the medical charge of the 47th to surgeon R. Brown of the 37th regiment of native infantry, is confirmed.

The Sirhind artillery division order of the 1st instant, appointing lieutenant and brevet captain G. J. Cookson, adjutant of the left wing 2d battalion of artillery, to act as adjutant to the division, vice Lieutenant Ried proceeding to join his battalion, is confirmed.

The Dinapore division order of the 24th ultimo, directing hospital apprentice W. J. Thompson to do duty with Her Majesty's 49th regiment at Hazarebaugh, is confirmed.

The presidency division order of the 10th ultimo, directing Captain W. A. Ludlow, of the 12th regiment native infantry, acting major of brigade at Barrackpore, to officiate assistant adjutant general of the presidency division, during the absence, on duty, of Major Penny, is confirmed.

His excellency the Commander in Chief is pleased to make the following removals:

Colonel E. H. Simpson, from the 24th to the 19th regiment of native infantry.

Colonel B. Roope, from the 19th to the 24th regiment of native infantry.

Cornet Henry Robert Grindlay, who was brought on the effective strength in government general orders No 232, of the 27th ultimo, is posted to the 6th regiment of light cavalry.

Hospital apprentice C. Oakley is attached to the medical depot at Cawnpore, vice Hornby promoted.

**Head Quarters, Camp, Barotah, December 10th.**—Ensign Neville Bowles Chamberlain is, at his own request, removed from the 52d, and posted to the 5th regiment of native infantry under orders for furlough.

The undermentioned officers have leave of absence:

34th regt. N. 1.—Ensign C. F. M. Munro, from 1st Jan. to 1st July 1833, in extension, to visit the presidency, on medical certificate, preparatory to a applying for furlough.

3th regt. N. 1.—Lieutenant mtr. and Qr. Mr. J. G. W. Curtis, from 16th Dec. to 16th March 1833, to visit the presidency, on private affairs.

8th batt. artillery.—Lieut. and brevet Captain and adjutant J. Turton, from 26th Nov. to 1st Jan. 1834, to remain at Nee-much, preparatory to applying for furlough to Europe via Bombay.

N. B. This cancels the unexpired period of the leave granted to brevet Captain Turton, in general orders of the 30th August last.

**Head Quarters, Camp, Bur-Ke Chonkee, 1st December 13th.**—The presidency division order of the 24th ultimo, directing Ensign A. H. C. Sewell, at present attached to the 4th native infantry, to join and do duty with the 65th regiment of native infantry, is confirmed.

The presidency division order of the 24th ultimo, directing the undermentioned ensigns, at present attached to the 9th native infantry, to join and do duty with the regiments specified opposite their names, is confirmed:

Ensigns F. H. Thomas, C. MacWilliam, E. Cook, H. B. Melville, J. J. Mainwaring, A. O. Farquharson, W. R. Cunningham, N. B. Chamberlain, with the 12th native infantry at Barrackpore; W. E. Mulcaster, J. Robinson, A. Skene, M. B. Whish, W. F. Nuthall, C. A. Nicolson, and W. H. Oakes, with the 15th native infantry at Barrackpore.

The Benares division order of the 27th ultimo, directing Ensign J. Green, of the Chunar magazine, to proceed with the stores for the practice of the artillery division to Sultanpore, Benares, and to remain with the division during the practice season, is confirmed.

The undermentioned officer has leave of absence:

37th regt. N. 1.—Lieutenant T. Hutton, from 1st March to 1st October 1833, to visit the hills west of the Jumna, on private affairs.

N. B. This cancels the leave granted to Lieut. Hutton, in general orders of the 10th instant.

The Meerut artillery division order of the 5th instant, directing lieutenant and adjutant J. H. Daniell, of the 2d brigade, to act as adjutant to the division is confirmed.

The Agra artillery division order of the 1st instant, directing Gunners Otto, of the 2d, and Kehoe, of the 4th company 4th battalion, to act as laboratory-men during the practice season, is confirmed.

The Benares artillery division order of the 1st instant, directing the following arrangements for the annual practice season is confirmed:

1st Lieutenant F. Gaiskell, of the 4th company 3d battalion of artillery, to act as adjutant to the division.

Staff sergeant D. Hays, of the 3d company 3d battalion, to act as sergeant major and quarter master sergeant.

Gunners G. Byrnes, of the 2d, and F. Sullivan, of the 3d company 3d battalion, to be laboratory-men.

**Head Quarters, Camp, Samalka, December 14th.**—The Havel station order of the 4th instant, directing Lieutenant R. Lawry, of the 2d regiment of native infantry, to act as station staff, during the absence of Lieutenant Cole rooke, is confirmed.

The Mhow station order of the 1st instant, directing assistant surgeon George Doogson, of the 6th light cavalry, to relieve surgeon Baillie from the medical duties of the 2d regiment of native infantry, is confirmed.

The presidency division order of the 22d ultimo, directing Ensigns T. Cole and J. S. Paton to do duty with the 12th regiment of native infantry, is confirmed.

The Cawnpore artillery division order of the 30th ultimo, appointing gunners Puling, of the 3d troop 3d brigade, and Green, of the 3d company 5th battalion artillery, to act as laboratory-men, during the practice season, is confirmed.

The Rajpootana artillery division order of the 1st instant, appointing gunners Richard Conn and James Ford, of the 1st company 2d battalion, to act as laboratory-men to the division, during the practice season, is confirmed.

The following orders, by Captain T. Hickman, commanding a detachment of artillery, proceeding to the upper provinces, are confirmed:

**Dated October 31st.**—Appointing corporal Davies, of the 1st troop 2d brigade, to act as camp colour-man to his troop, and Thomas Shine of the 2d company of artillery drafts, as camp colour-man to his company.

**Dated November 1st.**—Appointing corporal Carlisle, of the 1st troop 2d brigade, gunner Griffiths, of the 4th, and gunner Jameison, of the 3d company of artillery drafts, to act as camp colour-men, the former to the 1st company, and the latter to their respective companies.

The leave of absence granted in general orders of the 9th ultimo, to Lieutenant interpreter and quarter master M. Hyalop, of the 58th regiment of native infantry, is cancelled at his request.

**Head Quarters, Camp, Guroowda, December 16th.**—The presidency division order of the 25th ultimo, directing veterinary surgeon W. P. Barrett, lately admitted into the service, to proceed by water to Aunpore, and do duty with the 7th regiment light cavalry at that station, is confirmed.

The undermentioned officer has leave of absence:

27th regiment native infantry—Captain L. W. Gibson, from 1st January 1834 to 2th November 1833, in extension, to remain at Simla, on medical certificate.

48th regiment native infantry.—Lieutenant and brevet captain E. Brace, from 12th December to 31st March 1833, to proceed to the presidency, preparatory to submitting an application for furlough.

56th regiment native infantry—Lieut. Col. M. C. Webber, from 2d December to ———, to remain at Berhampore, and await the arrival of his regiment.

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69th regiment native infantry.—Captain R. Garrett, from 15th February to 30th November 1838, to remain at Sim'a, on medical certificate.

**Head Quarters, Camp, Garownda, December 17th.**—The Sirhind division order of the 12th instant, directing Surgeon Inglis, M. D., of the 21st, to receive medical charge of the 27th regiment of native infantry from Surgeon B. W. Macleod, M. D. of the 3d light cavalry, is confirmed.

The Meerut division order of the 11th instant, appointing Captain Fothrell, of Her Majesty's 13th light infantry, to the command of, and Lieutenant Fenwick, of Her Majesty's 13th light infantry, and Ensign W. D. Goodyar, of the 47th regiment native infantry, to do duty with the detachment of convalescents returning from Landour, is confirmed, with effect from the 1st instant.

Captain Fothergill's order of the 1st instant, directing the following arrangements in the detachment of convalescents returning from Landour to their respective stations is confirmed;

Sergeant major N. Rielly, of the 44th regiment native infantry, to act as sergeant major; quarter master sergeant Munroe, of the 5th battalion artillery, as Quarter master sergeant; sergeant D. Bean, of Her Majesty's 16th lancers, as Provost sergeant, and private G. Johnston, of Her Majesty's 16th lancers, as camp colour-man to the detachment.

Captain F. Reilly's order of the 1st instant, directing Corporal T. Small, of the European regiment, to act as sergeant major; 1st corporal R. Wilson, of the sappers and miners as Provost sergeant; privates W. Bailey, H. Evans, and T. Watts as sergeants; and J. C. Mahon, J. Rogers, and C. Stettard, as corporals to a detachment of European recruits proceeding to the upper provinces, is confirmed.

The Mhow artillery division order of the 1st instant, appointing bombardier J. Hare, of the 3d company 3d battalion, and bombardier J. Power, of the 2d troop 1st brigade, to act as laboratory-men, during the practice season, is confirmed.

His excellency the Commander-in-Chief is pleased to make the following appointments:

39th regiment native infantry.—Lieutenant J. C. Haslock to be adjutant, vice Pougree transferred to the invalid establishment.

19th regiment native infantry.—Lieutenant and brevet captain D. Bamfield, of the 36th native infantry, to act as interpreter and quarter master, until further order.

The undermentioned officers having been declared by a district committee to be qualified for the duties of interpreter, are exempted from further examination, except that by the college examiners, which they will be expected to undergo whenever they may visit the presidency:

Lieutenant C. Wright, 1st regiment native infantry.		
Ensign S. Pond, 46th	dito	dito

**Head Quarters, Camp, Kurnaul, December 20th.**—The Mhow station order of the 7th instant, directing Assistant Surgeon J. Murray, M. D., doing duty with the 2d troop 1st brigade horse artillery, to afford medical aid to the artillery division, till the return of assistant surgeon G. O. Brown, M. D.; and assistant surgeon G. Dunsen to deliver over medical charge of the 1st company 3d battalion artillery to Dr. Murray, is confirmed.

The following removals and postfers to take place in the regiment of artillery:

1st Lieutenant and brevet captain J. H. McDonald (adjutant 6th battalion) to the 3d company 6th battalion.

1st Lieutenant C. S. Reid, (adjutant, 6th battalion) to the 1st company 5th battalion.

1st Lieutenant Z. M. Mallock, from the 3d company 7th battalion to the 1st company 4th battalion.

1st Lieutenant M. Mackenzie (new promotion) to the 4th troop 3d brigade horse artillery.

2d Lieutenant T. J. W. Hungerford, (on furlough) from the 1st troop 3d brigade to the 3d company 7th battalion.

2d Lieutenant J. H. Smyth, (on staff employ) from the 3d company 7th battalion to the 1st troop 3d brigade.

2d Lieutenant J. W. Kaye, from the 7th company 7th battalion to the 3d company 1st battalion.

2d Lieutenant G. H. Clifford (brought on the effective strength, to the 2d company 4th battalion.

His excellency the Commander in Chief is pleased to make the following appointment:

55th regiment native infantry.—Lieutenant John Butler to be interpreter and quarter master, vice Ewart proceeding on furlough.

Assistant Surgeon A. Murray, M. D. is removed from the 6th to the 13th regiment of native infantry.

Assistant Surgeon B. Wilson is removed from the 41st to the 6th regiment of native infantry.

The undermentioned officers have leave of absence:

53d Regiment native infantry.—Captain W. E. Leadbeater, from 7d Jan'y. to 15th February 1838, to proceed to Meerut, on private affairs.

71st Regiment native infantry.—Lieutenant W. J. Rind, from 1st December to 1st March 1838, in extension, to proceed to the presidency, on medical certificate, preparatory to applying for furlough.

74d Regiment native infantry.—Captain C. H. Bolnragon, from 2d December to 2d December 1838, to visit Mumoorie, on medical certificate.

**Head Quarters, Camp, Kurnaul, December 21st.**—Referring to paragraph 6 of the general order of the 16th of September 1835, it will be observed, that the returns required or to be considered as confidential; His excellency the Commander in Chief therefore desires that they may, in future, be sent direct from the commanding officer of a regiment to the adjutant general of the army.

**Head Quarters, Camp, Leetokhera, December 22d.**—The Noomuch station order of the 10th instant, directing Assistant Surgeon A. C. Duncan, M. D. medical store-keeper at Noomuch, to relieve Assistant Surgeon A. Colquhoun from the medical charge of the 71st native infantry and the latter officer to rejoin the 43d regiment at Cawnpore, is confirmed.

Ensign H. Ramsay, of the 53d regiment of native infantry, is appointed Aide-de-Camp to Major General the Honorable J. Ramsay, commanding the Meerut division, vice Lieutenant A. Ramsay, who has been removed to civil employment.

This order is to have effect from the 2d instant.

Quarter Master Sergeant James Collins, of the 2d regiment of native infantry, having been examined by a special medical committee and declared unfit for further active duty, is transferred to the invalid companies at Chunar, from the 1st proximo.

**Head Quarters, Camp, Delhi, December 23d.**—The Meerut division order of the 1st instant, appointing Assistant Surgeon W. L. McGregor, M. D., of the 2d brigade, to the medical charge of the 3d troop 1st brigade of horse artillery, under orders of march to Muttra, is confirmed.

The Meerut station order of the 28th ultimo, directing acting assistant steward J. Mathews to march with the 2d troop 1st brigade of horse artillery, to Muttra, is confirmed.

Imam Khan, native doctor, now doing duty with the 48th regiment native infantry, is permanently appointed to the hospital of that corps.

**Head Quarters, Camp, Delhi, December 24th.** The following unposted ensigns are appointed to the regiments specified opposite their respective names, and directed to join:

Ensign John William Henry Pennall, 52d regiment native infantry at Nusseerabad.

Ensign George Hornes Hubson, (on leave to the Cape of Good Hope) 72d regiment native infantry at Mhow.

Ensign Monsey Staples, 68th regt. N. I. under orders for Allahabad.

Ensign William Henry Jeremie, 38th regt. N. I. at Delhi.

Ensign Francis Tombs, 19th regt. N. I. at Cuttack.

Ensign Francis Peter Rivers, 67th regt. N. I. at Khyenk Phyeo.

Ensign John Gordon, 6th regt. N. I. at Cuttack.

Ensign William Frost Nuthall, 18th regt. N. I. at Secrele, Benares.

Ensign Francis Maria Hastings Burton, 52d regt. N. I. at Nusseerabad.

Ensign Henry Ware, 33d regt. N. I. at Jubbulpore.

Ensign Charles Anshur Nicolson, 25th regt. N. I. under orders for Saugor.

Ensign John Francis Garstin, 66th regt. N. I. at Hussingabad.

Ensign Thomas Francis Hobday, 72d regt. N. I. at Mhow.

Ensign Charles Dovelton, 14th regiment native infantry at Agra.

Ensign Francis Henry Thomas, 48th regt. N. I. at Delhi.

Ensign Robert Anderson Ramsay, 49th regt. N. I. at Noomuch.

Ensign John Douglas William, 60th regt. N. I. under orders for Allahabad.

Ensign Campbell MacWilliam, 23d regt. N. I. at Nusseerabad.

Ensign Alexander Brathwaite Fenwick, 60th regt. N. I. at Shew

Ensign Edward Cook, 16th regiment native infantry at Meerut

Ensign Henry Beresford Melville, 54th regt. N. I. at Meerut

Ensign Charles Edmund Hickey, 1st regt. N. I. at Meerut

Ensign James Irwin Maluwarding, right wing of the European regiment at Agra.

Ensign Andrew Ogilvie Farquharson, 38th regt. N. I. at Delhi

Ensign James Hutton, (not arrived) 19th regt. N. I. at Cuttack

Ensign William Chester, 67th regt. N. I. at Khyouk Phoo.

Ensign William Robert Cunningham, 6th regt. N. I. at Cuttack

Ensign Walter Birch, 7th regt. N. I. under orders for Cawnpore

Ensign James Garner Holmes, 59th regt. N. I. at Moradabad.

Ensign John Colpoys Houghton, 37th regt. N. I. at Allahabad.

Ensign William Henry Oakes, 45th regt. N. I. at Shahjehanpore.

Ensign Lauchlan Alexander McLean, 3d regt. N. I. under orders for Barrackpore.

Ensign Thomas Elliot Ogilvie, 39th regiment N. I. at Neemuch

Ensign Colin Charles Robertson, 11th regt. N. I. under orders for Saugor.

Ensign Frederick Cooper Tombs, 18th regiment N. I. at Secroie, Benares.

Ensign Neville Bowles Cumberlain, 53d regiment N. I. at Nusseerabad.

Ensign William Tierney Fergusson, 27th regt. N. I. at Kuranaul

Ensign Edward Dayot Watson, 44th regiment N. I. under orders for Etawah and Bandah.

Ensign Arthur Henry Cole Sewell, 47th regt. N. I. at Agra.

Ensign Thomas Tulloh, 33d regiment N. I. at Jubbulpore.

Ensign William Edward Mulcaster, 3th regiment N. I. under orders for Mynpoorie.

Ensign James Wardlaw, 24th regiment N. I. at Midnapore.

Ensign John Monckton Swinton, 61st regt. N. I. at Almorah.

Ensign Trevor Henry Shum, 35th regiment N. I. under order for Saugor.

J. R. LUMLEY, Major General,

Adjutant General of the Army.

## GENERAL ORDERS TO THE QUEEN'S TROOPS.

Head Quarters, Camp, Delhi, 7th December, 1837.

No 84.—The presidency division order dated the 17th ultimo, granting leave of absence to lieutenant J Lumax 16th foot, to proceed to England, for 2 years from date of embarkation, on medical certificate is confirmed.

Capt J Tritton      The division orders by major general Sir H Stevenson, dated the 29th ultimo, directing the officers named in the margin, (removed from the 11th to the 3d light dragoons) to do duty with the detachment of volunteers for the latter corps, at Cawnpore, under the command of captain Bond: and that, dated 1st instant, appointing assistant surgeon Menzies, 16th foot, to the medical charge of this detachment until the arrival of the head-quarters of the corps, are confirmed.

The leave granted by His Excellency Lieutenant general Sir John Keane, to Dr. Collier deputy inspector general of hospitals, to proceed to England, is confirmed.

The leave of absence granted by His Excellency Lieutenant general Sir P Maitland, to the following officers of Her majesty's 45th regiment, to proceed to England, via Egypt, is confirmed:

Captain F. Pigott; capt H Cooper; ensign W R. Lewis.

The undermentioned officers have leave of absence:

15th light dragoons captain R Ellis, to England, for 2 years from date of embarkation, on private affairs.

Ditto.—Captain T Atkinson, in extension from the 1st November 1836 to the date of joining the regiment from England.

16th foot.—Lieutenant J. Lomax, from 1st October to 1st December 1837 in extension, on medical certificate.

31st ditto.—Ensign T J Bourke, from 10th December to 9th February 1838, to Calcutta, for the purpose of appearing before a medical board.

49th ditto.—Lieutenant J. L. Bonais, from 15th December to 4th June 1838, to visit Meerut, on urgent private affairs.

Head Quarters, Camp, Samalka 14th December 1837.—No. 85.—Her majesty has been pleased to make the following appointment in the regiments serving in India:

16th light dragoons.—Captain Lawrence Fyler, from the 77th regiment of foot, to be captain, vice Deverill, who exchanges, 5th July 1837.

13th foot.—Gentleman cadet Francis Levett Bennett, from the royal military college, to be ensign, by purchase, vice Tidy appointed to the 11th regiment of foot, 25th July 1837.

40th foot.—Ensign Charles Phillips, from the 1st West India regiment to be quarter master, vice Walsh deceased, 5th July 1837.

The commander-in-chief has been pleased to make the following promotion in the Her Majesty's pleasure shall be known:

3d foot.—Ensign T W E H Adaworth to be lieutenant by purchase, vice Macgill, who retires, 7th December 1837.

Several applications having been made to the commander-in-chief by officers commanding corps, for the unconditional discharge of soldiers of bad character, without pension, but who, from length of service were entitled thereto; his excellency makes known, that by instructions from the general commanding in chief, such recommendations for discharges, cannot be entertained, it not being within his lordship's power to recommend to the commissioners of Chelsea to withhold from a soldier the rate of pension to which he may be entitled: the forfeiture of pension being a point which should be decided by the court martial, before which a culprit may have been arraigned.

His excellency also desires, under instructions from the general commanding in chief, that no money may hereafter be received for the discharge of a soldier, by purchase, before such discharge has been authorised.

The regimental order by the officer commanding the 11th light dragoons, dated 3d instant, appointing sergeant Thomas Goodlass to act as provost Sergeant, and corporal George Archer as quarter master sergeant to the 1st division of the regiment proceeding to the presidency, as per margin, under the command of Major Jenkins, is confirmed.

The undermentioned officers have leave of absence:

7th foot.—Lieutenant J Mocker, to England, for 2 years from date of embarkation, on private affairs.

Ditto.—Lieutenant J H Shadforth, ditto ditto.

Head Quarters, Camp, Kuranaul, 18th December, 1837.—No. 87.—Her majesty has been pleased to make the following promotions and appointments in the regiments serving in India:

31st Light Dragoons.—Lieutenant Richard Blagden Hale to be captain, by purchase, vice Phillips, who retires, 10th July 1837.

Cornet Richard A. Moore to be lieutenant, by purchase, vice Hale, 10th July 1837.

To be Cornets, by purchase.—Henry Wood, sent 10th July 1837.

Edmund Rothe, sent vice Ralston, who retires, 11th July 1837.

Horatio Holingworth, sent vice Moore, 12th July 1837.

Quarter Master Thomas Adams, from the 7th Dragoon Guards, to be Quarter Master, vice Higgins, who exchanges, 10th July 1837.

Sergeant Major.—Sullivan to be Adjutant (with the Rank of Cornet) vice Jones, who resigns the Adjutancy only, 9th July 1837.

13th Light Dragoons.—Cornet James Hussey to be Lieutenant, by purchase, vice Outhin, who retires, 7th July 1837.

Thomas William Smith, sent to be cornet, by purchase, vice Hussey, 7th July 1837.

4th Foot, to be Lieutenant Colonel.—Lieutenant Colonel Richard England, from the 75th Regiment of Foot, without purchase, 7th July 1837.

Brevet Colonel Gideon Gorrequer, from the half pay, unattached, vice England appointed to the 41st Regiment of Foot, 1st July 1837.

Major James England by purchase, vice Gorrequer, who retires, 11th July 1837.

Captain Henry Houghton Irving to be Major, without purchase, vice England, 11th July 1837.

Lieutenant James Espinasse to be Captain, vice Irving, 11th July 1837.

To be Lieutenants.—Lieutenant Dennis A Courtayne, from the 45th Foot, 7th July 1837.

Lieut. Charles Shipley Teale, from the 26th Foot, 7th July 1837.

Lieutenant Abraham Collis Anderson, from the 54th Foot, 7th July 1837.

Lieutenant William Charles Sheppard, from the 57th Foot, 7th July 1837.

Lieutenant W. H. Middleton Ogilvie, from the 6th Foot, 7th July 1837.

## GENERAL REGISTER.

Ensign John Cameron, from the 54th Foot, 7th July 1837.  
 Ensign Christopher M. Wilson, from the 49th Foot, 7th July 1837.  
 2d Lieutenant Robert Hawkes, from the 5th Foot, 8th July 1837.  
 Ensign Robert O'Neill, 9th July 1837.  
 Ensign James Symington Shortt, 10th July 1837.  
*To be Ensigns*—Ensign Wadhiam Wyndham Bond, from the 2d West India Regiment, vice O'Neill 9th July 1837.  
 Ensign James Alexander Madigan, from the 7th Regiment of Foot, vice Shortt, 10th July 1837.  
 Quarter Master John Potter to be Adjutant and Ensign, vice Espinasse, 11th July 1837.  
 Sergeant major Samuel Sexton to be Quarter master, vice Potter appointed Adjutant, 11th July 1837.  
 6th Foot.—Lieutenant John Duntze Macdonald, from the 2d West India Regiment, to be Lieutenant, vice Ogilvie appointed to the 1th Regiment of Foot, 7th July 1837.  
 9th Foot.—Brevet colonel Sir Edmund Keynton Williams K. C. B. from the 41st Regiment of Foot, to be Lieutenant Colonel, vice Constable appointed to the 18th Regt. of Foot, 10th July 1837.  
 26th Foot.—Lieutenant James Williams Gryles, from the Ceylon Regiment, to be Lieutenant, vice Teale appointed to the 4th Regiment of Foot, 7th July 1837.  
 41st Foot.—Lieutenant colonel Richard England from the 4th Regiment of Foot, to be Lieutenant colonel, vice Sir E. K. Williams appointed to the 9th Foot, 10th July 1837.  
 Major William Booth to be Lieutenant colonel, without purchase, vice Purdon deceased, 11th July 1837.  
 Captain James Frere May to be major, vice Booth, 11th July 1837.  
 Lieutenant John George Beddingfield to be captain vice May, 11th July 1837.  
*Cancels his Promotion* Ensign John Diddlep to be Lieutenant vice Beddingfield, 11th July 1837.  
 Charles Anderson Morahan, gent. to be Ensign, vice Diddlep, 11th July 1837.

54th Foot.—Ensign Charles Fades Heatley to be Lieutenant, without purchase, vice Anderson appointed to the 4th Regiment of Foot, 7th July 1837.

Ensign William Macpherson, from the half pay of the 41th Regiment of Foot, to be Ensign, without purchase, vice Heatly, 7th July 1837.

Henry Andrew H. Hinesworth, gent. to be Ensign, without purchase, vice Cameron promoted in the 4th Regiment of Foot, 18th July 1837.

57th Foot.—Lieutenant William Jones, from the Ceylon regiment, to be Lieutenant, vice Sheppard appointed to the 4th Regiment of Foot, 7th July 1837.

63d Foot.—Lieutenant Edward Hill, from the half-pay of the 20th regiment of Foot, to be Lieutenant, vice Henry Croly promoted, 7th July 1837.

*Brevet*.—Captain Charlton Brown Tucker, of the 3d light dragoons, to be major in the Army, 10th January 1837.

The Commander in Chief in India has been pleased to make the following promotion until Her majesty's pleasure shall be known.

*The promotion of* 2d Foot.—Ensign H. W. Stisted to be ensign *Holtzworth* to be Lieutenant, by purchase, vice Moodie, *this vacancy has not* who retires 7th December 1837. *taken place.*

Lieutenant Speedy of the 3d Foot, and Lieutenant Holcombe of the 13th light infantry, having passed the prescribed examination as interpreters before a district committee, are deemed, by the Commander in Chief in India, entitled to the allowance sanctioned in general orders by Government, No. 208, of the 26th September 1828.

By Order of the Commander in Chief,  
 R. TORRENS, Major Genl.

*Ajlt. Genl. to Her Majesty's Forces in India.*

## SHIPPING REGISTER.

### ARRIVALS AT KEDGEREE.

Jan 1 English Barque *Resolution*, A. R. Dixon, from Madras 26th November.  
 2 English Brig *Corsair*, J. H. Porter, from Singapore 13th December.  
 4 English Bark *Susanna*, J. P. Ridley, from Port Jackson 31st October and Carnicobar Island 21st December, and English Barque *Monarch*, A. McNeillage, from Glasgow 2d August.  
 5 English Bark *Couriere*, J. Dixon, from the Cape of Good Hope 23d October.  
 6 English Brig *Elisabeth*, J. Manook, from Rangoon 20th December; English Ship *Susan*, J. Young, from Bombay 1st, Calicut 22d and Alleppey 29th November.  
 9 English Barque *Dorothy Gales*, G. Moore, from Liverpool 23d July, and the Mauritius 19th November.  
 15 English Schooner *Margaret*, W. C. Spain, from Rangoon 17th December.  
 17 English Barque *Sir Edward Ryan*, J. M. McGowan, from Moulmein 31st December.  
 18 English Ship, *Paragon*, J. Coleman, from Liverpool 24th August; English Bark *Tinamara*, G. Wilson, from Liverpool 27th August; French Bark *Robert Le Diable*, M. De Laporte, from Bourbon 28th November,

19 English Bark *Sesostria*, A. Yates, from Portsmouth 8th August, Cape of Good Hope 30th October, and Madras 23d December.  
 20 French Brig *Alceide*, J. P. Querouare, from Bourbon 10th December.  
 22 H. M. Ship *Larne*, Capt. P. J. Blake, from Moulmein 8th January; English Barque *Sylph*, Thos. Viall, from China 18th, and Singapore 27th December.  
 23 American Ship *Dover*, J. Austen, from Boston 29th August, and the Cape of Good Hope 23d November; English Brig *Soundraponey*, Nacoda, from Penang 13th November, and Arracan 12th January.  
 24 English Brig *London*, M. King, from Liverpool 12th Sept.  
 25 English Ship *Fetty Salem*, J. L. Gillett, from China 6th and Singapore 23d December, and Penang 6th January; English Brig *Arctusa*, A. Piko, from Moulmein 4th January.  
 26 English Ship *Zenobia*, J. F. Owen, from London 12th and Portsmouth 21st September, Madeira 9th October and the Cape of Good Hope 5th December; American Barque *Norfolk*, J. S. Ballard, from Boston 29th September; English Barque *Baboo*, G. B. Brock, from the Mauritius 5th December.  
 27 English Ship *Royal Saxon*, R. Renner, from London 5th and Portsmouth 20th September.  
 28 English Barque *Bahamian*, M. Tizard, from Liverpool 12th October,

- 29 English Ship *Marion*, McCarthy, from London 28th September, and Cape 4th December.  
 30 English Ship *Frances Warden*, Nacoda, from Penang 2d January.  
 31 Dutch Barque *Sumatra*, T Stewart, from Batavia 3d December, Singapore 7th and Penang 13th January.

ARRIVALS OF PASSENGERS.

*Per Bark Sheanna*, from Port Jackson.—Mrs Wolton; Cap. tala Walton, H M 44th Regt; Mr Leigh, Surgeon

*Per Coiviers*, from Cape of Good Hope.—Messrs Haines, Bathurst, and Low, H C S; T C Robinson, Esq; Dr McWhir, M D, Capt and Mrs Fraser and Mr Fraser; Mr and Mrs Maja and 6 Children; Mr and Mrs Thomson and 4 Children, and Mr Malish.

*Per Sir Edward Ryan*.—H P Twentyman, Esq, and Mr Gallasteen, merchants.

*Per Sesostris from London*.—Mrs Yates, from the Cape of Good Hope.—Mrs Or nt and infant; Miss Pattle; C H Cameron, Esq, law commissioner; J Grant Esq, Surgeon, Bengal establishment; Capt Harlton, 74th Regt. B I; Mr Land, late officer. *Royal William*, from Madras.—Capt Gillett, Country Service; Mr Rogers, merchant; Mr Robt Saunders, Pilot Establishment; Mr Tapley, late Chief Officer Ship *Thalia*.

*Per Paragon*, from Liverpool.—Mr and Mrs Perry; Emilia Deben, Melitaire.

*Per Fatty Salam*, from Canton.—Messrs Fraser and Browne. *From Singapore*.—Mr and Mrs Dobbs; Mr Douglas and Mr Johannes. *From Penang*.—Mr and Mrs Reid and child.

*Per Zenobia*.—Mrs Turner; Miss Woodley; Revd J Norgate; Mr A Galloway, cavalry cadet; Mr W H Williams, infantry ditto; Mr W B Burkinyoung, attorney at law; Mr J Burkinyoung; Messrs Pehmollir, McCaithur, Cowing and Spink, from England, Mrs Sheriff and child; A Cumming and C. Grant, Esqrs civil service; J Langstaff, Esq, medical Board; Capt Sheriff, 45th regt B N I.

*Per Baboo from Mauritius*.—C Betts, Esq, merchant.

*Per Norfolk*, from Boston.—Mr Edward S Mosely, merchant.

*Per Frances Warden from Penang*.—Mrs McKintick and 4 children; Mrs Carapiet; Messrs. McKintick and P Joaquim, merchants; Master McKintick.

DEPARTURES FROM CALCUTTA.

Jan. 1 *British Monarch*, W Purvis, and *Calcutta*, J H Bentley, for Moulmein; *Ruby*, J Randell, for Singapore and China; *Pattle Barry*, Nacoda for Juddah.

7 *Antelope*, Nacoda, for Juddah; *Duke of Bedford*, W A Bowen, for London.

8 *John Hepburne*, B Robertson, for Rangoon.

12 *Christopher Rawson*, C Edwards, for Mauritius; *Lord Hungerford*, Farquharson, for London; *Windsor*, Henning, for London; *Hoegly*, Jeanso lin, for Bourbon.

16 *Rob Roy*, J McKinnon, for China; *Theodosie*, E Underwood, for Liverpool.

15 *Carnatic*, Jas. Richard, for the Mauritius.

17 *Fatima*, G Fethers, for Liverpool via St. Helena.

18 *Show Allum*, E Evans, for Bombay.

— *Dona Carmelita*, Thos. Foss, for the Mauritius.

19 *Alaleide*, A R Clarke, for Bombay; *Fatima*, G Fethers, for Liverpool; *Hammonshaw* and *Futlay Mobaruck*, Nacoda, for Muscat.

23 *Brigand*, D Wemyss, for Penang and Singapore; *Elizabeth*, J Glass, for Ceylon; *Cabras*, Nacoda, for Mocha; *Adasey*, Nacoda, for Muscat; *Lucon*, Arnaud, for Bourbon.

25 *Indiana*, A Massin, for Bourbon; *Virginia*, C Whiffen for Madras.

28 *Ermouth*, D. Warren, for London; *Burreng*, Gordon, for Bombay.

DEPARTURE OF PASSENGERS.

*Per Madagascar*.—Mr and Mrs Siddons; Dr and Mrs Swiney; Mr and Mrs Robertson; Brigadier Penny; Mrs Durin; Capt and Mrs. Roberts; Mrs Forbes; Mrs Birrell, Captain Webster; Miss Siddons; Lieut. Bazett; Lieut Siddons; G. J. Millman and R J Savi, Esqrs.

*Per Samuel Hurrocks*, for Singapore.—J H Whitehead and J S Clarke, Esqrs.

*Per London*.—Mr and Mrs. Valpy and family; Dr James and family; Capt and Mrs Evans and family; Mrs Vignoe and Son; Mrs Page and family; Mr and Mrs Cunningham; Mrs Major Ramsay and child; Mrs Capt Liptrap; two Misses Watson; Miss Low; Masters Wilkinson, Thompson, Hudson, and Parker.

*Per Duke of Bedford*.—J Maclean, Esq; Lieut Boileau and family; Lieut Inglis; Mrs Major Lister; Mrs Bodell; his Highness Nawab Ikbal ood Dowlah, and Captain Goveatry.

*Per Repulse*.—Colonel Andree; Colonel Morrison; Mrs Armstrong, and Mrs Shuttleworth.

*Per St. George*.—Sir C F Metcalfe, K C B.; Capt. and Mrs Higginson; Mr and Mrs W Dick.

*Per Scotia*.—Mrs. Brutton and Mrs Stonehouse; Misses Brutton, Lemarchand, Taylor and M Taylor; Col. Shewrick, 7th light cavalry; Col. Brutton, late 11th light dragoons; Col. Cock, 23d N I; Col Taylor, 20th N I; Col Watkins, 6 d N I; Jas Gordon and G R Buid, Esqrs, 3d light cavalry; T L Harrington, Esq., 5th ditto; G. Stonehouse, A. Guthrie, J Purvis and J Garrett, Esqrs.; Master Brutton.

*Per Windsor*.—Lady Ryan and 3 children; Miss Ryan; Mrs Franks and 2 children; Mrs F. D Smith and child; Mrs Boswell and child; Capt. Chudwick and 3 children; R B W Ramsay, Esq., C. S.; and Master Shaw; Colonel and Mrs Boileau and 3 children for the Cape; Sir John and Lady Herschel and family will embark on board the *Windsor* at the Cape for London.

*Per Lord Hungerford for London*.—Mrs. Jennings and 3 children; Mrs. G F Thompson and 4 children; Mrs Trevelyan and child; Mrs Newmarch and 3 children; Mrs. Mansell; Misses Jeremy and White; Hon'ble T B Macaulay; Mr. Trevelyan; Capt. Mansell, Commanding H M Troops; Capt Farquharson; Lieuts Shortread and Farquharson; 2 Masters Caulfield; Master Grote; Sergeant Hogan, and 38 of Her Majesty's troops.

*Per Jellingshee*.—Mrs. Mathews. Mrs. Clarke. Mrs. Campbell, Mrs Hoque and Mrs. Armstrong; Misses Walsh and Miss Macan; F C Smith, Esq.; R J B. Campbell, Esq.; Major Anderson; Major Fernie; Lieut. Graham; Ensigns Burton, Powell and Robertson.

*Per Thames for Madras*.—Mr. and Mrs. Babington; Capt. and Mrs. Montgomery; Capt and Mrs. Gordon; Mr. Elliott, C. S. *For London*.—Capt and Mrs. Poynton; Mrs. Tomlin; Mrs. Bleanstanop and 3 children; Lt. Clarke; Mr. Robertson; Major J Jenkins; Capt Wm Roebuck, R A. Reynolds, and H G F Tuckett; Lieut. J H Forrest; Cornet W. C. Forrest; Assist. Surg. J Hutchinson, Brigadier Penny; and the troops of H M 11th dragoons.

*Per Carnatic, for the Mauritius*.—Mrs. Spencer and Mrs. Richard.

*Per Mountstuart Elphinstone*.—Mrs. Bolton and child; Mrs. Smithson; Mrs. Vos and family; Mrs. Twentyman and child; Mrs. Hobson and two children; Capt. Hickman and Bolton; Lieut. Cautley; W H Twenty man, Esq. and Master Luke.

*Per Ermouth, for London*.—Mr and Mrs J. Danbar; Mr and Mrs Robert Stewart, Mrs. Major Halfhide; Dr and Mrs. Baker; Captain and Mrs Brand; Captain and Mrs. Parker, and eleven children.

# GENERAL REGISTER.

*Per Ship Repulse for London.*—Countess of Cardigan, Meadames Rotton, White, Betson, Norman, Armstrong, Campbell, Shuttleworth, Woodin and Gillard; Lieutenant Cole Andrie and Morrison, Majors Rotton and White, Captain Bambrick, Dr Sandham, Lieut Ready, quarter-master Betson Colonel the Earl of Cardigan, H M's 11th light dragoons; and Cornet Reynolds, H M's 11th dragoons; Lieut Norman, 31st dragoons; Mr Tiel; Monsieur Gilliard, Advocate General at Chandernagore. *Steerage Passengers.*—Mr Jordan, 7th cavalry; Mrs Jordan and two children; Mr Townsend, and three children.

*Per Victoria, for Bristol.*—Mr John Biddle.

## DOMESTIC OCCURRENCES.

### BIRTHS.

- Oct. 25 At Agra, Mrs Jacob Hoff, of a daughter.  
— At the Cape, the lady of J H Vanrenen, Esq of a son.
- 29 At Rondebush, near Cape Town, Cape of Good Hope, the lady of Charles Macswen, Esq, of the Bengal civil service, of a son.
- Dec. 13 At Jubbulpore, the lady of C. R. Brown, Esq, Assistant Agent, Governor General, of a son.
- 16 At Benares, Mrs George Archer, of a son.
- 27 At Hoshungabad, the lady of M C Ommanney, Esq, C S of a daughter.
- 29 At Sumbulpore, the lady of C L Babington, Esq, of a son.
- 31 At Calcutta, Mrs R J Cardozo, of a son.
- At Sultanpore, Benares, the lady of Captain G R Crawford, artillery, of a daughter.
- The wife of Mr Lawrence D'Silva, of Seebpoor, of a daughter.
- Jan. 1 At Calcutta, Mrs Chas Gardener, of a son.
- 2 At Calcutta, the wife of Mr A Dozey, Junior, of a son.
- 4 Mrs Amelia P Auslin, wife of Mr A P Auslin, of a son.
- At Chowringhee, the lady of Alexander Beattie, Esq, of a son.
- At Furreedpore, the lady of B B Garrett, Esq, Civil Service, of a daughter.
- 5 At Calcutta, the lady of John D Loch, Esq, of a son.
- At Calcutta, the lady of John D Lich, Esq, of a son.
- Jan. 5 At Allipore, Mrs M Jones, of a daughter.
- 6 At Calcutta, on board the *Duke of Bedford*, the lady of Lieutenant Boileau, horse artillery, of a daughter.
- 8 At Intally, Mrs T S Sheppard, of a son.
- At Calcutta, Mrs D Oman, of a daughter.
- At Entally, Mrs J Rue, of a son.
- At Calcutta, Mrs Wm Ryland, of a daughter.
- At Calcutta, the lady of Markham Kitcoe, Esq, of a daughter.
- 10 At Simla, Mrs W Philipo, of a son.
- At Chinsurah, Mrs T B Barber, of a son.
- 12 At Kishnaghur, the lady of O Steer, Esq, of a son.
- 13 At Calcutta, the lady of D. Fringle, Esq, of a still born child.
- 14 At Dum-Dum, the lady of Lieutenant Burnett, artillery, of a son.
- At Goruckpore, the lady of R J Taylor, Esq, civil service, of a son and heir.
- 16 At Calcutta, the lady of Joseph Agabeg, Esq of a daughter.
- 17 At Chowringhee, the lady of T Savi, Esq, of a son.

- At Ghazeeapore, the lady of Lieut J D Young, Her Majesty's 44th Regt, of a daughter.
- 19 At Calcutta, the wife of Mr S Clarke, of the Conservancy department, of a still-born son.
- At Calcutta, Mrs J P Dowling, of a daughter.
- 20 At Calcutta, Mrs D Ross, of a daughter.
- At Calcutta, Mrs N Campbell, of a son.
- 21 At Calcutta, Mrs T C Howe, of a daughter.
- 25 At Calcutta, the lady of Henry Chapman, Esq, of a son.

### MARRIAGES.

- At Purneah Catholic Church, by the Revd Florian, Mr A A Thomas, to Miss H Carnal.
- Dec. 26 At Agra, by the Reverend R Chambers, Mr J F Pinto, assistant in the office of the political and general department, to Miss Louisa Scott.
- 28 At Calcutta, at the Principal Roman Catholic church by the Revd. Mr Oliver, Mr Thomas Scallan, of H C Marine, to Miss Anna Simonin.
- Jan. 1 At Delhi, at St James's Church, by the Reverend M Everest, A M, Captain William Ramsay, Major of Brigade, to Harriett Doveton, second daughter of Lieutenant Colonel Mosely, 38th regiment native infantry.
- 2 At Dhooly, by the Revd. C Rawlins, A B, Captain J Finnis, 51st regiment native infantry, to Sarah, youngest daughter of the late Captain Roche, Bengal Army.
- 6 At the Old Church, by the Venerable the Archdeacon, Captain Robert Guthrie MacGregor, of the artillery, 1st Assistant Military Auditor general, to Alexina, second daughter of Colonel Archibald Watson, of the Light Cavalry.
- 8 At Calcutta St Andrews's Kirk, by the Rev James Charles, Mr George Grant, to Miss Sarah Mary Mills.
- 9 At Calcutta, at the Cathedral, by the Revd H S Fisher, Mr Samuel Heather, to Miss Isabella Mannion.
- 10 At Calcutta, at the Cathedral, by the Revd H S Fisher, Mr William Sails, to Miss Marian Stapleton.
- At Agra, Mr J O Jore, to Miss A Rees.
- 12 At Allahabad, by the Revd H Pratt, A M Alexander Beattie, Esq, to Jane, daughter of William Watson, Esq.
- At Calcutta, at the Principal Roman Catholic church, by the Reverend F Sumners, R Cruise, Esq, to Charlotte, second daughter of the late Geo. Shillingford, Esq, of Purneah.
- At Kurnal, by the Revd. Mr Parish, Mr C Bowline writer to the political agent of Ambala, to Sophia second daughter of Mr James Winn, Apothecary



## GENERAL REGISTER.

- At Calcutta, at the Old Church, by the Venerable the Archdeacon, Monsieur A. Charnier, to Harriett, Widow of the late Captain William Souter, of the 66th regiment native infantry.
- At Calcutta, at the Cathedral, by the Reverend H. S. Fisher, Mr. Oliver Smith to Mrs. Mary Barbara Caxton.
- 19 At the Cathedral, by the Revd. H. Fisher, C. P. Norton, Esq., of Colgong, to Miss Eliza Isabella Hasleby.
- 22 At Calcutta, at the Cathedral, by the Rev. H. S. Fisher, Mr. John Graves, Conductor of Ordnance, to Mrs. Isabella Miller.
- At the Cathedral, Col. W. Beresford, military secretary to the commander-in-chief, to Caroline, daughter of W. Fane, Esq., of the civil service.
- At Calcutta, at St. James's Church, by the Reverend R. B. Boswell, Mr. James Price, to Miss Rose, second daughter of Mr. S. De Castro, of Williams' lane.
- Mr. R. Williams, to Mrs. Ross, the widow of the late Mr. Francis DeCruz.
- 25 At the Scotch Kirk, by the Revd. James Charles, J. W. Carnecie, Esq., interpreter and quarter master of the 15th Regt. N. I., to Jane, daughter of the late David Scott, Esq., of the civil service.
- At the Old Church, by the Venerable the Archdeacon, W. D. H. Ochme, Esq., to Anne, youngest daughter of H. Barrow, Esq.

### DEATHS.

- April 23 Near Cape St. Vincent, on a voyage to Cadiz, Miss Louisa Maria, eldest daughter of Major Thomas Gilbert Alder, late of the Bengal establishment, aged 18 years.
- Aug. 19 At Chittagong, the infant son of Mrs. J. E. Bruce
- Sept. 10 At Sea, on board the barque *Bengal*, William Morrison, Esq.
- At Sea, on board the *Royal William*, Assistant Surgeon George Macfarlane Watson, of the Medical Establishment.
- Nov. 17. At Agra, Lieutenant and Adjutant Cardew, of the artillery.
- 25 At Agra, Robert Henry Rebello, the third son of Mr. H. Rebello, aged 2 years, 11 months, and 3 days.
- 27 At Agra, the infant child of W. Woodston, Esq.
- Dec. 2 On the river, at Cawnpore, on her way from Calcutta to Futtyghur, Mrs. Arabell Graham, wife of Mr. John Graham, head draughtsman, surveyor general's department.
- Jan. 1 At Calcutta, the infant son of Mr. and Mrs. Charles Gardener.
- At Agra, Ensign M. W. Tryler, 2nd native infantry.
- 3 At Calcutta Mr. Thomas Teyen, assistant in the civil auditor's office, aged 36 years, 2 months and 15 days.

- At Calcutta, Master Terranceau Fisher, aged 8 months and 11 days.
- At Entally, Mr. A. Hughes, aged 25 years and 3 months.
- At Seharunpore, Cecelia Evelina, the infant daughter of John and Caroline Powell.
- 4 At Calcutta, Sarkies Owen, Esq., aged 72 years.
- At Intally Mr. P. Jacob, formerly coach builder.
- At Mhow, Conductor Charles, Gale, in charge of the Ordnance Depot at that station.
- 5 At Calcutta, Mr. Charles James Daniel Murray, aged 37 years.
- 7 At Howrah, Miss Sophia Smith Read, of cholera, aged 30 years and 6 months.
- 9 At Calcutta, Mr. E. C. M. Minx, aged 28 years.
- 10 At the Howrah Hospital, Mr. John May, Bootmaker of the *Windsor*, aged 36 years.
- At the Howrah Hospital, Mr. John May, Bootmaker of the *Windsor*, aged 36 years.
- At Calcutta, at the residence of C. M. Latour, Esq., C. M. Basire, Esq., aged 35 years.
- 11 At Calcutta, Mr. Charles Smith, an assistant in the Financial Department, aged 35 years.
- 12 At Calcutta, Master William Halhed Terranceau, Esq., aged 2 years and 3 months.
- At Calcutta, Miss Louisa Sarah Nisbett, daughter of Mr. John Wm. Nisbett, aged 1 month and 15 days.
- At Kidderpore, the infant child of Mr. William Cleghorn, of the Government Steam Department, aged 5 months and 2 days.
- At Calcutta, George Thomas, fourth son of Mr. and Mrs. Samuel Smith, aged 4 years, 6 months and 20 days.
- 13 At Howrah, Mrs. Margaret Le Fevre, aged 64 years.
- At the General Hospital, Calcutta, Mrs. Maria Anne Barbara Wiltshire, wife of Apothecary G. B. Wiltshire, aged 37 years and 13 days.
- At Bardwan, James Dumoulin, Esq., Principal Schoolmaster.
- At Cawnpore, Frances Oclanis, the infant daughter of Captain and Mrs. Lennox, aged 7 months and 7 days.
- At Meerut, Mary, daughter of Lieut.-Col. Wallace, 53d Regt., aged 3 years.
- At Calcutta, Mr. John Michael Martin, aged 17 years and 10 days.
- 14 At Intally, the infant son of Mr. T. S. Sheppard, aged 7 days.
- 16 At Calcutta, Mr. Vincent Castello, aged 35 years, 4 months and 24 days.
- At Calcutta, FitzGerald Charles Wintour, aged 1 year and 1 month.
- 18 At Calcutta, Miss Jane Andrew, aged 42 years.
- 19 At Kishnachur, Georgeans, the beloved wife of Edward William Ravenscroft, Esq., of the 73d M. I.
- 21 At Calcutta, Ensign W. H. James, H. M. 10th Regt. aged 29 years.

## ADMINISTRATION TO ESTATES.

### ESTATES OF

Aubury, Sir James, Lieutenant Mount Baronet, .....  
 Bremer, Thomas Mounstevon, Lieutenant, .....  
 Erison, Samuel, .....  
 Robertson, Demetre, .....  
 Smith, John, .....  
 Blenkinsop, Edward, Ensign 34th N. L., .....  
 Flood, Sarah, Charlotte, Widow, .....  
 Marchman, Joshua, D. D., .....  
 Radha Bibee Woman, .....  
 Owen, Sarkies, Merchant, .....  
 Basire, Mathew, Merchant and Trader, .....  
 Castillo, Vincent, .....  
 Gervie, William, Cabinet Maker, .....  
 McCowan, Leslie, Jons., .....  
 Macdonald, Rodolick, Lieutenant, .....  
 Maheshchandre Boran, .....  
 Mount, Sir James, Baronet, Colonel of Engineers, .....  
 Parry, Mary, .....  
 Ramnarain Chuckerbutty, .....  
 Stirling, Alexander, .....  
 Tryler, Maurice William, Ensign, .....  
 Wilson, John, Colin Esq., .....  
 Blenkinsop, Edward, Ensign, 34th N. L., .....  
 Fullerton, Robert, Assistant Surgeon, .....

### EXECUTORS, ADMINISTRATORS, &c.

*Registrar Supreme Court.*  
 James Macadam, Esq.  
 Maria Eison, Widow.  
*Registrar Supreme Court.*  
 James Ferguson.  
*Registrar Supreme Court.*  
 Registrar Supreme Court.  
 John Clark Marshall.  
*Registrar Supreme Court.*  
 Muckerteach Sarkies Owen and Maryrose Sarkies Owen.  
*Registrar Supreme Court.*  
 Mr. William Richard Lakerston.  
*Registrar Supreme Court.*  
 Registrar Supreme Court.  
 Robert John Buchanan and Robert Cunningham Paton.  
 Brijnauth Dutt.  
 Sir George Mount, Bart.  
 David James Campbell Johnston.  
*Registrar Supreme Court.*  
 Nathaniel Alexander, Esq.  
 Alexander Colvin, Esq.  
 Alexander Colvin, Esq.  
*Registrar Supreme Court.*  
 Registrar Supreme Court.

## GOVERNMENT NOTIFICATIONS.

**LEGISLATIVE DEPARTMENT, 30TH JANUARY, 1838.**—The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 29th January 1838, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded. Ordered, that the Act be promulgated for general information:

ACT NO. IV. OF 1838.

It is hereby enacted, that it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of perjury, in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the zillah Court nearest to the presidency, in order to his being brought to trial before the Session Court of the zillah in which such Court is situated; and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Session.

**30TH JANUARY, 1838.**—The following Act is passed by the Hon'ble the President of the Council of India in Council on the 29th January 1838, with the assent of the Right Hon'ble the Governor General of India, which has been read and recorded. Ordered, that the Act be promulgated for general information:

ACT NO. IV. OF 1838.

It is hereby enacted, that if it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of perjury, in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the zillah Court nearest to the presidency, in order to his being brought to trial before the Session Court of the zillah in which such zillah Court is situated; and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Session.

**5TH FEBRUARY, 1838.**—The Calcutta Gazette, published on Wednesday the 31st January last, and Saturday the 3rd instant, are hereby cancelled, as far as Act No. IV. of 1838, is concerned, in consequence of some errata.

## PILOTS, ADDITIONAL RULE.

**GENERAL DEPARTMENT, 24TH JANUARY, 1838.**—The Allowances stated in the 14th and 15th paragraphs of the Rules published in this department under date the 3d instant, as to be drawn by members of the pilot service, will be paid in sicca rupees to those Members only who were in the service before the 17th June 1835, and to those who entered the service after that date, they will be passed for the same amount in Company's rupees. The passage money to members of the pilot service of both the above classes will be passed in Company's rupees. The entry of sicca rupees before these allowances being an erratum.

**SEPARATE DEPARTMENT, 24TH JANUARY, 1838.**—For the information of parties engaged in the trade in salt, it is hereby declared that exporters of the article from any port or place of manufacture in the Bombay Presidency for import at Calcutta will be allowed credit line titling for the import duty at Calcutta, for any amount of duty duly certified to have been paid on such salt to the Government officers of the Bombay Presidency. It will be necessary, therefore, that shippers of this salt should obtain and send with each cargo of salt a certificate of the specific sum of duty paid thereupon. Credit in Calcutta will be given for the precise amount of the certificate, subject to the condition that the out-turn in Calcutta does not fall short of the quantity shipped, after making the usual allowances for wastage, &c. If the deficit exceed 5 per cent, credit will only be allowed on the net out-turn on weightment at Calcutta. If a surplus be found, credit will only in like manner be allowed upon the actual quantity specified in the certificate, *viz.* The Calcutta duty being assessed on the whole quantity, the amount duty certified to have been paid at Bombay will be allowed in deduction without reference to the quantity delivered. The above allowance will only be granted when the certificate is produced at the time of entry of the ship for passing the cargo through the custom house inwards.

**GENERAL DEPARTMENT, 31ST JANUARY, 1838.**—The Hon'ble W. H. L. Melville, of the Civil Service, embarked for England board the ship *Charles Grant*, which ship was left by the pilot at sea on the 24th instant, from which date his resignation will take effect.

Sir Charles D'Oyly, Bart. has been permitted to resign the East India Company's Civil Service from the date on which the pilot may quit the ship *Thomas Grenville* at sea.

Mr. C. F. Trevelyan, of the Civil Service, embarked for England on board the ship *Lord Hungerford*, which vessel was left by the pilot at sea on the 7th instant.

Mr. G. D. Haikes, Writer, attached to the north western provinces, is permitted to remain at the presidency for one month from this date.

**31ST JANUARY, 1838.**—John Master has been permitted to resign the East India Company's Civil Service from the 25th instant.

Mr. J. F. M. Reid, post master general, is permitted to be absent for a period of four months, on private affairs.

Mr. George Alexander is appointed to act for Mr. J. F. M. Reid during his absence,—the appointment to take effect from the date on which Mr. Reid makes over charge of his office.

The Hon'ble the President in council is pleased to attach Mr. H. Unwin, of the civil service, to the north western provinces.

**SEPARATE DEPARTMENT.**—Mr. George Gough, salt agent of Mulloob and Chittagong, is permitted to proceed to the Cape of Good Hope, or New South Wales, for the benefit of his health, and to be absent on that account for a period of two years.

**GENERAL DEPARTMENT, 1ST FEB. 1838.**—The Hon'ble the President of the Council of India and Deputy Governor of Bengal has this day appointed Surgeon James Hutchinson to act as his private secretary, until further Orders.

**5TH FEBRUARY, 1838.**—The Hon'ble the President of the Council of India in council directs, that the following letter No. 52 of 1837, from the Hon'ble the Court of Directors in the public department, dated the 8th November, be published for general information.

Para. 1. "Instances having occurred of letters addressed by parties in India, to the individual members of our court, being transmitted to this country by the Mediterranean mails, under the impression that such letters are exempt from the duty of Postage, it is necessary that we should apprise you that the privilege of receiving letters so addressed free of postage does not attach to letters sent from the East Indies by packet *via* the Mediterranean, and we direct that you forthwith take the necessary measures for giving public notice thereof throughout your presidency."

2. "You will however clearly understand that the privilege of franking enjoyed by individual Directors and other public functionaries, so far as respects the Indian duties of Postage, continues in full force."

**2D FEBRUARY, 1838.**—Mr. Charles Harding has been permitted to resign the East India Company's civil service, from the 2d proximo.

**5TH FEBRUARY, 1838.**—The leave of absence granted under Orders of Government, dated the 10th ultimo to Mr. George Alexander, for two months, is cancelled at his request from this date. Mr. Alexander has returned from Saugor, and resumed charge of Mr. Alexander has returned from Saugor, and resumed charge of his duties as Deputy secretary to Government in the General Department.

The Hon'ble the Deputy Governor of Bengal directs that the following letter, No. 56 of 1837, from the Honourable the Court of Directors, in the Public Department, dated the 15th November, be published for general information.

From a desire to promote to the utmost of our power, the convenience and advantage of the Members of our civil, Military and Marine Services who are resident in this country, we have been induced to make a change which we have reason to believe will be highly beneficial to those interested, by determining that their Pay be in future issued quarterly instead of half yearly as heretofore.

**7TH FEBRUARY, 1838.**—The Honourable the Deputy Governor of Bengal was pleased on the 3d ultimo, to grant to Mr. W. R. Kennaway, of the civil service, proceeding on furlough, an extension of the leave of absence granted to him under the orders of the Honourable the Lieutenant Governor of the north western provinces, dated the 2d November last, till the date of the departure of the ship *Orient*, which vessel was left by the pilot at sea on the 29th ultimo.

The Honourable the Deputy Governor of Bengal is pleased to permit Mr. S. O. Smith, of the civil service, proceeding on furlough, to remain at the presidency, in extension of the leave of absence granted to him under the orders of the Honourable the Lieutenant Governor of the north western provinces, dated 28th October and 7th December last, till the date of the departure of the ship *Robert Small*.

**9TH FEBRUARY, 1838.**—The following gentlemen have been permitted to resign the East India Company's civil service from the date in which the Pilot may quit the ship *St. George* at sea, *viz.* The Hon'ble Sir Charles Theophilus Metcalfe, Bart., G. C. B. Mr. William Fleming Dick.

**PORT WILLIAM, FINANCIAL DEPARTMENT, 5TH FEBRUARY, 1838.**—Mr. Assistant Surgeon Henry John Thornton is appointed to collect the balances at the Commercial factory.

14TH FEB. 1838.—The Hon'ble the President in Council has been pleased to make the following additions to the lists of public officers entitled to frank official correspondence appended to the post office rules :

To be added to List No. I.

Joint remount agent, Bombay.

Officers appointed in general orders by the Government of any presidency to conduct special enquiries or researches on matter connected with such enquiries or researches.

Registrar of Shipping.—“ On her Majesty's Service.”

To be added to List No. II.

Sub-Deputy } To opium agent or deputy opium  
Opium Agent. } Agent.

His Honor in Council is further pleased to direct that the Archdeacon of any presidency, when head of the ecclesiastical establishment of that presidency, shall be entitled to receive and send all letters free of postage.

The Hon'ble Sir Edward Ryan, Kt., has taken his seat as President of the general committee of public instruction.

Mr. David Scott has been permitted to resign the East India Company's civil service from the 1st instant.

Mr. George Adams, of the civil service, is permitted to proceed to Europe on furlough.

Messrs. S. G. Smith and P. E. Read, of the civil service, embarked for England on board the ship *Robert Small*, which ship was left by the pilot at sea on the 13th instant.

Mr. George Edmondstone, Junior, is permitted to proceed to Mirzapore, and prosecute his study of the Oriental languages at that station under the superintendence of Mr. W. Woodcock.

SEPARATE DEPARTMENT.—Mr. G. Gough, salt agent of Burlooh and Chittagong, embarked for the Cape of Good Hope on the ship *Robert Small*, which vessel was left by the pilot at sea on the 13th instant.

Mr. O. R. Bernay has been permitted to resign the East India Company's civil service, from the 10th instant.

SEPARATE DEPARTMENT.—Mr. W. Bracken, Deputy Collector of Government customs at Calcutta, is permitted to be absent from his office, from the 15th instant, for a period of one month, on private affairs.

31ST FEBRUARY, 1838.—The Honorable Sir Charles Theophilus Metcalfe, Baronet, O. C. B., and Mr. W. F. Dick, of the civil service, embarked for England on board the ship “ *St. George*,” which ship was left by the pilot at sea on the 17th instant.

The Honorable the Deputy Governor of Bengal is pleased to permit Mr. Alexander Cumming, a civil servant of the Bengal presidency, employed in the north western provinces, to proceed to England on furlough, under medical certificate.

SEPARATE DEPARTMENT.—Mr. J. Trotter, opium agent at Benares, has obtained an extension of the leave granted to him under date the 6th December last, for a further period of a fortnight.

The Hon'ble the President in Council is pleased to appoint Mr. Assistant Surgeon Thomas Leckie, post master at Bhusalpoore.

H. T. PRINSEP, Secy. to the Govt.

## BY THE GOVERNOR GENERAL.

Camp at Furruckpore, the 16th January 1838.—Lieutenant E. P. Lynch, of the 16th Regiment Bombay Native Infantry, has been nominated to serve with the British Detachment in Persia under the Command of Major General Sir Henry Bethune. This appointment to have effect from the date on which Lieutenant Lynch reported his arrival to the Officer Commanding at Sheeraz.

POLITICAL DEPARTMENT.—Camp at Bareilly the 20th Jan. 1838.—Ensign M. E. Sherwill, of the 69th Regiment Native Infantry, has been appointed to be 2d Subaltern to the 1st Regiment of Infantry of the Oude Contingent, vice Ensign R. Hill posted to the Cavalry.

By Order of the Right Honorable the Governor General.

Camp Futtchgunge, January 17, 1838.—The Right Hon'ble the Governor General is pleased to appoint Colonel J. Cock, of the 51st Regiment Native Infantry, to the Dinapore Division of the Army, with the rank of Brigadier, during the absence of Major General W. Richards, C.B., on Medical Certificate, or until further orders.

CAMP, BAREILLY, JANUARY 23D, 1838.—The Right Hon'ble the Governor General is pleased to appoint Captain P. Craigie, of the 36th Regiment Native Infantry, and 1st Assistant Adjutant General, to be deputy Adjutant General of the Army, with the Official Rank of Major, from the 18th ultimo, vice Lieutenant Colonel Anquetil nominated to the command of the Oude Auxiliary Force.

WM. CASEMENT M. G. Secy. to the Govt. of India,  
Mily. Dept with the Right Hon. the Govr. Genl.

CAMP AT MORADABAD, THE 17TH JANUARY, 1838.—Captain A. Macleod, of the 5th Regiment Madras Light Cavalry, is appointed to Office as Superintendent of the Saugur Division of the Mysore Territory until further orders, in the room of Lieutenant Dobbs.

CAMP, AT MEERUT, 6TH FEB. 1838.—Lieutenant Colonel J. Stewart reported his having delivered over charge of the Presidency at Hyderabad to Major Cameron on the 13th ultimo.

Captain F. Chalmers, the Superintendent of the Astarum Division, delivered over charge of his Office of Captain Briggs, the Fourth Assistant, on 30th ultimo.

By order of the Right Honorable the Governor General of India.

W. H. MACNAGTEN, Secy. to the Govt.  
of India with the Governor General.

POLITICAL DEPARTMENT, 31ST JAN. 1838.—Lieutenant Colonel Canfield, Superintendent of the Mysore Princes, has been this day appointed Agent to the Governor General at Moradabad, vice the Honorable Mr. Merville resigned.

Captain Oasley will take charge of the office of Superintendent of the Mysore Princes, retaining his present office, until further orders.

14TH FEB.—Lieutenant Colonel Stewart Resident, at Hyderabad, reported his embarkation for the Cape of Good Hope on board the *Carnatic*, from Bombay on the 1st instant.

FINANCIAL DEPARTMENT, 14TH FEB. 1838.—Mr. R. Richardson, Resident at Commercally is permitted to be absent from his Office for a period of one month on account of ill health.

H. T. PRINSEP, Secy. to the Govt. of India.

ECCLIASTICAL DEPARTMENT.—The Hon'ble the Deputy Governor of Bengal is pleased to make the following appointments:—The Reverend Henry Fisher to be Senior Presidency Chaplain and Chaplain to the jail. The appointments to take effect from the 7th ultimo.

The Reverend H. S. Fisher to be District Chaplain at Berhampore, from the 6th December, last. Mr. Fisher will continue to officiate as Junior Presidency Chaplain until further orders.

Mr. W. H. Abbott, the Registrar of the Archbishopric of Calcutta, has been permitted by the Right Reverend the Lord Bishop of Calcutta, to be absent for two months, on urgent private affairs.

Mr. M. A. Bismell will perform the duties of Registrar during Mr. Abbott's absence.

H. T. PRINSEP, Secy. to Govt.

## BY THE GOVERNOR GENERAL FOR THE N.W.P.

JUDICIAL AND REVENUE DEPARTMENT, CAMP, FUTTEE-GUNGE, 17TH JANUARY, 1838.—Mr. Wilmet is appointed to exercise the powers of Joint Magistrate and Deputy Collector at Meerut.

The Collector of Customs North Western Frontier Delhi, has been directed to make an arrangement for his relief from the duties of his appointment at Hoorul.

CAMP BAREILLY, 24TH JAN. 1838.—Mr. R. J. Taylor, Additional Judge of Goruckpore, is transferred from Zillah Goruckpore, to Mirzapore, and appointed Additional Judge in the latter District.

CAMP, MEERUT-GUR, 24TH JAN. 1838.—Mr. G. P. Thompson, special Commissioner under Act III. of 1835, has obtained leave of absence for ten days, in extension of the leave already granted him to enable him to rejoin his Station.

CAMP, MORADABAD, 27TH JAN. 1838.—Mr. N. B. Edmondstone to officiate as Magistrate and Collector of Ghazepore.

Mr. J. W. Taunton to officiate as Magistrate and Collector of Hameerpoor.

Mr. G. T. Lushington to officiate with the powers of a Magistrate and Collector in Bareilly.

Mr. C. T. LeBas to be an Assistant under the Commissioner of the Agra Division.

Mr. T. J. Turner to officiate as Member of the Sudder Board of Revenue, during the absence of Mr. W. Fane on leave to proceed to the Cape of Good Hope, or until further orders.

Mr. J. Davidson to officiate as Commissioner of the Rohilkhand Division.—Mr. Davidson to make over charge of the current duties of the Judge's Office at Furruckhabad to Mr. J. Mercer, the Principal Sudder Ameen of the District.

Mr. J. T. Rivaz, Judge of Futtchpore, has obtained leave of absence for one month, on his urgent private affairs, to commence from the 15th proximo.—Mr. Rivaz to make over charge of his office to Mr. S. J. Beecher, the Officiating Joint Magistrate and Deputy Collector of the District, who will conduct the current duties thereof during Mr. Rivaz's absence.

J. THOMASON,  
Offy. Secy. to the Govt. Genl. N. W. P.

**JUDICIAL, REVENUE AND GENERAL DEPARTMENT.—CAMP, MORADABAD, 27TH JAN. 1838.**—**ECCLIASTICAL.**—The Reverend Mr. J. J. Tucker, Chaplain of navor, has obtained leave of absence for twelve months, to visit the Hills on medical certificate, from the 10th instant.

**CAMP MORADABAD, 29TH JAN. 1838.**—Mr. R. Cathcart is appointed to officiate, till further orders, as an Additional Sessions Judge in Rohilkand, and to hold the Sessions in zillahs Shahjehanpore and Dudson.

Mr. H. Armstrong, Magistrate and Collector of Futehpore, has obtained fifteen days' leave of absence, in extension of the leave granted him under Orders of the 7th November, 1837, to enable him to rejoin his Station.

**CAMP MORADABAD, 31ST JAN. 1838.**—The following officers have obtained leave of absence:

Mr. Welby Jackson, Judge of Goruckpore, for one month, on his private affairs, commencing from the 15th current. Mr. R. J. Taylor, the Additional Judge of the District, has been authorized to officiate for Mr. Jackson.

Atzoolah Khan, Sudder Ameen of Hissar, for one month, for the recovery of his health, in extension of the leave granted him under Orders dated the 30th ultimo.

Mr. F. O. Wells, Accountant N. W. P., for fifteen days, on his private affairs. Mr. E. H. Morland, officiating Civil Auditor and Deputy Accountant, has been directed to assume charge of the Accountant's Office during the absence of Mr. Wells.

**NOTIFICATION.**

Mr. C. Allen quitted the limits of the North Western Provinces in progress to Europe *via* Bombay, on the 4th January 1838, in conformity with the leave of absence granted him on the 23d December last.

**BY THE DEPUTY GOVERNOR OF BENGAL.**

**JUDICIAL AND REVENUE DEPARTMENT, 30TH JAN. 1838.**—The Hon'ble the Deputy Governor of Bengal is pleased, with the sanction of the Supreme Government to appoint Mr. J. R. Hutchinson as a Temporary Judge of the Courts of Sudder Dewanny and Nizamut Adawlut, in the room of Mr. D. C. Smyth.

The following Officers have obtained leave of absence from their Stations:

Mr. J. F. Cathcart, Civil and Session Judge of Purneah, an extension of leave, on medical certificate, to the 16th instant.

Mr. G. Adams, Joint Magistrate and Deputy Collector of Midnapore, for twenty days, in extension of the leave granted to him, on medical certificate, on the 18th July last preparatory to his applying for permission to proceed to England on Furlough.

**1ST FEBRUARY, 1838.**—Mr. J. Curtis, Judge of Burdwan, for one week, on private affairs, from the 5th instant, Mr. J. T. Mellis will conduct the current duties of Mr. Curtis' office.

**20 FEBRUARY, 1838.**—Mr. R. M. Skinner, officiating Magistrate of Mymensing, for six days, from the 9th instant, on private affairs in extension of the time allowed to join his Station.

The following Officers have obtained leave of absence from their Stations:

**8 FEBRUARY, 1838.**—Mr. F. Gouldsbury, Civil and Session Judge of West Burdwan, for ten days, on private affairs, in addition to the time allowed to join his Station.

**30 FEBRUARY, 1838.**—Mr. C. Harding, Officiating Judge of the Courts of Sudder Dewanny and Nizamut Adawlut, for one month on private affairs, from the 5th instant, preparatory to his applying for permission to retire from the Service and proceed to England.

Mr. G. C. Chapp, Civil and Session Judge of Mymensing, for one month, on private affairs, Mr. J. M. Hay, or in his absence Mr. J. Wheeler, will conduct the current duties of the Judge's Office.

**6TH FEBRUARY, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments: Mr. H. C. Hamilton to be a Joint Magistrate and Deputy Collector in Zillah Behar. Mr. Hamilton will continue to officiate as Collector of that District until further orders.

Mr. A. T. Dick to be Joint Magistrate and Deputy Collector of Dacca.

Baboo K. las Chunder Dutt to be Deputy Collector in the District of Midnapore, under the Provisions of Regulation IX. of 1838.

The following Officers have obtained leave of absence from their Stations:

Mr. G. N. Cheek, the Assistant Surgeon attached to the Civil Station of Burdwan, for seven days, to visit the Presidency from the 10th instant, on private affairs.

Mr. T. Huxon, Sub-Assistant to the Commissioner of Assam, on medical certificate, from the 20th ultimo to the 1st May next, preparatory to his applying for permission to proceed to Sea. Mr. G. R. Strong will act in the room of Mr. Huxon during his absence.

The Honorable the Deputy Governor of Bengal is pleased to determine that Ramsoonder Deb, late Treasurer of the S. I. bet Collectorate, who has been convicted and sentenced to imprisonment for embezzlement of the public money, shall under Section IV. Regulation II. of 1813, be declared incapable of serving Government in future in any public capacity.

**10TH FEB. 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following Appointment:

Mr. R. E. Caniffie to officiate until further orders, as Collector of Patna, vice Mr. J. S. Dumergue, who is at present officiating in that office.

The following officer has obtained leave of absence from his Station:

Mr. C. W. Fuller Assistant Surgeon, attached to the Civil Station of Nuddea, for three days, in extension of the leave granted to him on the 16th ultimo.

**12TH FEB. 1838.**—The Honorable the Deputy Governor of Bengal is pleased to make the following Appointment:

Mr. W. B. Jackson to be Commissioner of Revenue of the 14th or Moosahabad Division.

The following Officers have obtained leave of absence from their Stations:

Mr. R. M. Skinner, Officiating Magistrate of Mymensing, for five days, on private affairs, in extension of that granted to him on the 2d instant.

Mr. F. A. Lushington, Assistant to the Magistrate and Collector of Rajshahy, for two months, from the 14th ultimo, on medical certificate.

Mr. I. I. Jordan, Sudder Ameen and Moonsiff of Backergunge, an extension of leave of absence for fifteen days, from the 14th to enable him to rejoin his station.

The following Officers have obtained leave of absence from their stations:

Mr. C. Tottenham, Deputy Collector of Tirhoot, for the conduct of suits under Regulations II. of 1819 and III. of 1828, for one month, on medical certificate, Mr. W. Vansittart will officiate during Mr. Tottenham's absence.

**16TH FEB. 1838.**—Mr. G. Adam, Joint Magistrate and Deputy Collector of Midnapore, and the sailing of the Ship *Thomas Grenville*, on which vessel he has taken his passage for England, in extension of the leave granted to him on the 30th ultimo.

Mr. A. Cumming, Magistrate and Collector of Mynpoore, reported his return to this Presidency from the Cape of Good Hope on the 27th ultimo.

**16TH FEBRUARY, 1838.**—Mr. F. Gouldsbury, Civil and Session Judge of Burdwan West for ten days, in extension of the leave granted to him on the 6th instant, to enable him to rejoin his station.

**20TH FEBRUARY, 1838.**—Mr. R. P. Harrison has been authorized to exercise the powers of a Joint Magistrate and Deputy Collector in zillah Chittagong.

Bahoo Madhobanund Ghose is appointed a Deputy Collector under Regulation IX. 1833, in the Province of Cuttack.

B. boe Soumant Raie do do under do in do.

Udhool Raie do in do.

Rajsh. Atulbeharry Sing Roy Behadeor do. do. under do. in do.

Mr. S. M. Chhill, ditto ditto under ditto in ditto.

B. boe Kalachand Bose ditto ditto under ditto in ditto.

Baboo Isachunder Citter ditto ditto under ditto in ditto.

Baboo Shewa Chunder Dewa ditto ditto under ditto in ditto.

Baboo Shanchunder Sirkar ditto ditto under ditto in ditto.

Baboo Radhanath Day ditto ditto under ditto in ditto.

Baboo Radhanath Bose ditto ditto under ditto in ditto.

Baboo Jaudob Chunder Seth ditto ditto under ditto in ditto.

Baboo Rajnarain Bysak ditto ditto under ditto in ditto.

Baboo Neel Comal Ghose ditto ditto under ditto in ditto.

The following Officers have obtained leave of absence from their Stations:

Mr. T. R. Davidson, Commissioner of Revenue of the 15th or Patna Division, for two years, to proceed to the Cape of Good Hope, on medical certificate.

Mr. W. C. Dirom, Officiating Magistrate and Collector of Rajshahy, for four months to proceed to Singapore, on private affairs, in extension of the leave granted to him on the 23d ultimo. Mr. D. Pringle will officiate as Magistrate and Collector of Rajshahy, during Mr. Dirom's absence or until further orders.

Captain H. Rutherford, Principal Assistant to the Commissioner of Assam, an extension of leave of absence from the 26th October last to the 1st instant, being the date of his receiving charge of the Gowaiparah Division.

Mr. R. T. W. Cetta, Deputy Collector under Regulation IX. of 1833 in Burdwan, having returned to his duties on the 31st December last, the unexpired portion of his leave of absence has been cancelled at his request.

**KARATA**—In the Gazette of the 26th ultimo.—For “Mr. H. S. Lane will conduct the current duties during Mr. Dent’s absence,” read “Mr. H. S. Lane will conduct the duties, &c.”

For Baboo Ramdhone Ghose, appointed on the 16th ultimo, to be Deputy Collector in Zillah Padda, under the provisions of Regulation IX. of 1833, read Baboo Ramdhone Sein.

F. J. HALLIDAY, *Off. Secy. to the Govt. of Bengal*

## MILITARY.

### BY THE PRESIDENT IN COUNCIL.

**Fort William, 29th January, 1838.**—No. 16 of 1838.—The Honourable the President in Council is pleased to make the following promotions:

**Infantry**—Major William Burroughs to be Lieutenant Colonel from the 21st January 1838, vice Lieutenant Colonel James Watkins retired.

**Left Wing European Regiment**—Capt. John Armstrong Thompson to be Major; Lieutenant and Brevet Captain Thomas Lynght to be Captain of a company, and Ensign Edward Magnay to be Lieutenant, from the 21st January 1838, in succession to Major William Burroughs promoted.

The undermentioned Officers are permitted to proceed to Europe on furlough:

Captain Frederick Abbott, of the corps of Engineers, Executive Engineer 12th or Kurnaul division department of public works, Lieutenant Godfrey Thomas Greene, of the Corps of Engineers, executive engineer 7th or Cawnpore division of public works, Lieutenant Nevill Anbury Parker, of the 55th Regiment Native Infantry, Lieutenant Thomas Caldecott Walker, of the 24th Regiment Native Infantry, and Surgeon Isaac Jackson, of the Medical Department, on account of private affairs.

Assistant Surgeon Edmund Tritton, of the Medical Department, attached to the civil station of Ally Ghar, on medical certificate.

Brevet Captain Edward Brace, of the 48th Regiment Native Infantry, for one year without pay, on urgent private affairs.

The unexpired portion of the leave of absence obtained by Captain Andrew Charlton, of the 74th Regiment Native Infantry, 2d in Command of the Assam Light Infantry, in General Orders No. 116, of the 12th June last, is cancelled from the 23d instant.

The unexpired portion of the leave of absence obtained by Surgeon Joseph Langstaff, 1st Member of the medical Board, in General Orders No. 55, of the 16th March last, is cancelled from the 26th instant.

Conductor David Wheeler, of the ordnance commissariat department, is permitted to retire from the service of the East India Company, on the pension of his rank, from the date of his sailing for Europe.

Overseer Sergeant Michael Omeara, of the 18th division department of public works, is admitted to the benefits of the pension sanctioned by the minutes of Council of the 11th January, 1797, and general orders dated 5th February 1820, subject to the confirmation of the Honourable the Court of Directors, with permission to receive his stipend in Europe.

No. 18 of 1838.—Surgeon John Grant, Apothecary to the East India Company, having reported his return to the Presidency, is directed to assume the duties of his office from the 1st proximo.

**Fort William, 7th February, 1838**—No. 21 of 1838.—The following paragraphs of a military letter, No. 80, dated the 22d November 1837, from the Honourable the Court of Directors, are published for general information:

“Para. 2. We have granted additional leave to the following Officers; viz.

Lieutenant Colonel Hugh Caldwell, till July next, and then to return Overland.

Captains Lewis Burroughs, G. E. Westmacott and Lieutenant Richard Ouseley, for six months.

3. We have permitted Major Charles Christie to retire from the Service. The vacancy has effect from the 9th July, 1835.”

**Fort William, 12th February, 1838**—No. 24 of 1838.—The Honourable the President in Council is pleased to make the following promotions:

**Cavalry**—Lieutenant Colonel and Brevet Colonel Samuel Smith to be Colonel, from the 15th November 1837, vice Colonel George Becher deceased.

Major James William Roberdeau to be Lieutenant Colonel, from the 15th November 1837, vice Lieutenant Colonel and Brevet Colonel Samuel Smith promoted.

**4th Regiment Light Cavalry**—Captain and Brevet Major John Barclay to be Major, Lieutenant and Brevet Captain William Benson to be Captain of a troop, and Cornet Mathew Richard Ouseley to be Lieutenant, from the 15th November 1837, in succession to Major James William Roberdeau promoted.

Supernumerary Cornet Mathew Ward is brought on the effective strength of the cavalry.

**7th Regiment Native Infantry**—Captain and Brevet Major Stephen Moody to be Major; Lieutenant and Brevet Captain Joseph Leverton Revel to be Captain of a company, and Ensign Arthur Purves Phayre to be Lieutenant; from the 9th of July 1835, in succession to Major Charles Christie retired.

The undermentioned officers are permitted to proceed to Europe on furlough:

Lieutenant William James Rind, of the 71st Regiment Native Infantry, and Ensign George Sackville Henry Browne, of the 70th regiment native, infantry, on medical certificate.

Surgeon Alexander Russell Jackson, M. D. of the medical department and Assistant Surgeon William Spencer, of the Medical Department, on account of private affairs.

Lieutenant Goodricke Armstrong Fisher, of the 1st Regiment Native Infantry, is permitted to proceed to Europe on Furlough, for one year, without pay, on account of his private affairs.

The leave of absence granted to Captain George Cox, of the 69th Regiment Native Infantry, in general orders No. 244 of the 11th December last, is to commence from the 3d ultimo instead of the date therein specified.

The permission granted by the Government of Prince of Wales Island to Assistant Surgeon Richard John Brassey, attached to the settlements of Malacca, to proceed thence to Europe on furlough, on medical certificate, in confirmed, by the Supreme Government.

No. 17 of 1838.—The undermentioned men of Her Majesty’s Service are permitted to reside in India as out pensioners of Chelsea Hospital, and draw their pay at the stations specified opposite to their respective names, according to the 55th article of the Pension Warrant of the 14th November 1839, pending a reference to the Horse Guards as to the amount of their pensions: 11th Light Dragoons.—Private George scales, Meerut.

26th Regiment Foot.—Privates William Grant, Robert Palmer and John Wilkinson, Calcutta.

31st Regiment Foot.—Private John Scott, Calcutta.

No. 22 of 1838.—The undermentioned Gentlemen are admitted to the service in conformity with their appointment by the Honourable the Court of Directors as Cadets of cavalry and infantry on this Establishment, and promoted to the rank of Cornet and Ensign respectively: Rank has been assigned to them in General Orders No. 255 of the 29th December last.

Cavalry.—Mr. Archibald Stewart Galloway, date of arrival at Fort William 27th January 1838.

Infantry.—Mr. William Henry Williams, ditto 37th ditto. Mr. James Pattalo, ditto 30th ditto.

The undermentioned officers have returned to their duty on this establishment, without prejudice to their rank, by permission of the Honourable the Court of Directors:

Lieutenant Colonel Thomas Dundas, of the 62d regiment N. I. date of arrival at Fort William 5th February 1838.

Major John Thomson of the 31st ditto, ditto, 30th January 1838.

Lieutenant James Richard Benson Andrews, of the 52d ditto, ditto 5th February 1838.

Ensign William Hayes Lewis Bird, of the 12th ditto ditto 30th January 1838.

The following Officers are permitted to proceed to Europe on Furlough:

Brevet Colonel William Battine, of the regiment of Artillery, principal commissary of Ordnance, Captain Edward Herring, of the 57th regiment native infantry, Lieutenant Zachary Vande Mallock of the regiment of Artillery, Lieutenant John Torton of the 3d regiment native infantry, Lieutenant James Higginson, of the 58th regiment N. I., and Assistant Surgeon Hugh Maclean, of the medical department, on account of private affairs.

Lieutenant Colonel Henry Burney, of the 19th regiment N. I., Lieutenant Francis Edward Smith, of the 99th Regiment N. I., and Surgeon Edward Jordan Yeatman, M.D., of the medical department, on medical certificate.

Ensign Charles Fitzroy Mitter Mandy, of the 34th regiment native infantry, is permitted to proceed to New South Wales on medical certificate, and to be absent from Bengal on that account for two years.

The permission granted by the Bombay Government to Captain William James Symons of the Bengal Artillery, to proceed thence to Europe on furlough, on medical certificate, is confirmed by the Supreme Government. The furlough is to be calculated as having commenced from the date on which Captain Symons left the Bengal presidency.

No. 23 of 1838.—Assistant Surgeon J. Lamb, attached to the civil station of Malda, obtained in the judicial and revenue departments, under date the 19th December last, leave of absence for six weeks, on medical certificate.

Assistant Surgeon Robert Christie, garrison Assistant Surgeon at Allahabad, was nominated in the political department on the 18th December last, to officiate, until further orders, as Surgeon to the Resident at Nepalg.

Lieutenant A. Ramsay, of the 34th regiment native infantry, was appointed by the Lieutenant Governor north western provinces, under date the 11th December last, an Assistant to the Commissioner in Kumaon.

Surgeon John Forsyth of the 45th regiment native infantry stationed at Shajehanpore, was appointed by the Lieutenant Governor north western provinces, on the 16th December last, to take medical charge of the civil station, vice Assistant Surgeon J. F. Bacon, transferred to the civil station of Moradabad.

Assistant Surgeon H. I. Tucker, M. D. Officiating civil Assistant Surgeon at Moorhuffnuzzur, was, at his own request, placed by the Lieutenant Governor north western provinces, on the 16th December last, at the disposal of His Excellency the Commander in Chief.

No. 25 of 1838.—The following appointment by the Honourable the Deputy Governor of Fort William, is published in General Orders:

Brevet Captain William Stuart Monteath, of the 69th regiment native infantry, to officiate as Port Adjutant of Fort William during the absence of Lieut. Loughnan, or until further orders.

No. 26 of 1838.—The Honourable the President in Council is pleased to make the following promotions:

33d Regiment Native Infantry.—Lieutenant Robert Turnbull Sandeman to be captain of a company, and Ensign George Donithorne Elliott to be Lieutenant, from the 12th Feb 1838, in succession to Captain Winthrop Vernon, deceased.

Lieutenant Henry William James Wilkinson, of the 6th regiment native infantry, is promoted to the rank of Capt. by brevet, from the 11th February 1838.

Captain Alexander Stewart Singer of the 24th regiment native infantry is permitted to proceed to Europe on furlough, on account of his private affairs.

Fort William, 19th February, 1838.—No. 28 of 1838.—The following Appointments were made by the Right Honourable the Governor General of India, in the Political Department, under the dates specified:

23rd December, 1837.—Lieutenant G. Timins, of the 34th Regiment Native Infantry to be second in command to the Western Malwa Contingent under Major Borthwick, Political Agent at Malidpore.

26th December, 1837.—Assistant Surgeon John McCoish, Officiating Second Assistant President, General Hospital, to the medical charge of the 1st Regiment of Cavalry of the Oude Auxiliary Force, on the 22d instant.

4th January 1838.—Lieutenant R. Morrison, of the 53d Regiment Native Infantry to be Assistant to the Agent to the Governor General for the states of Rajpootanaah, vice Lieutenant Connolly's embarkation for Europe.

6th January, 1838.—Cornet C. G. Becher, of the 1st Regiment Light Cavalry, to be Adjutant of the 1st Regiment Cavalry in the Oude Auxiliary Force, vice Lieutenant Hailes resigned.

Ensign Rowley Hill, of the 4th Regiment Native Infantry, from the 1st Regiment of Infantry to the 1st Regiment of Cavalry, in the Oude Auxiliary Force as 1st subaltern, vice Cornet Becher.

15th January, 1838.—Captain J. W. Douglas, of the 53d Regiment Native Infantry, to be Second Assistant to the Resident at Indore. This Appointment to take effect from the date of Major Johnston's resignation.

20th January, 1838.—Ensign E. M. Sherwill, of the 69th Regiment Native Infantry, to be 2d Subaltern to the 1st Regiment of Infantry of the Oude Contingent, vice R. Hill posted to the Cavalry.

No. 29 of 1838.—The Honourable the President in Council is pleased to make the following Promotions.

73d Regiment Native Infantry.—Lieutenant Hugh Hughes Lloyd to be Captain of a company; and Ensign Charles Henry Deane spread to be Lieutenant, from the 7th of Feb 1838, in succession to Captain Charles Henry Bolseragon deceased.

The undermentioned Officers are permitted to proceed to Europe on Furlough:

Cornel James Fullerton Dundas, of the Regiment of Artillery; and Assistant Surgeon James Stokes, M. D., of the Medical Department, on account of private affairs.

The undermentioned Officers have leave of absence on medical certificate:

Cornel William Conrad Faithfull, C. B., of the 29th Regiment Native Infantry, to the Cape of Good Hope, for two years.

Major George Douglas Stoddart, of the 8th Regiment Light Cavalry, Presidency Pay Master, to the Cape of Good Hope, for two years.

Captain Henry Walter Bellw, of the 56th Regiment Native Infantry, Deputy Assistant Quarter Master General, to New South Wales, for two years.

Captain Thomas Seymour Rurl, of the Corps of Engineers, has returned to his duty on this Establishment, without prejudice to

his rank, by permission of the Honourable the Court of Directors.—Date of arrival within the limits of the Bengal Presidency, 18th January, 1838.

His Honour in Council is pleased to make the following Appts.

2d Lieutenant S. Pott, of the Corps of Engineers, who was appointed in General Orders No. 213, of the 16th October last, Assistant to the Superintendent of Feroze Shah's Canal, is re-appointed as Assistant to the Sur. of the Burdwan and Benares Road.

2d Lieutenant C. L. Spitts, of the Corps of Engineers, to be Acting Assistant to the Superintendent of the Canals, West of the Jumna.

The following Promotion is made in the Subordinate Medical Department:

Hospital apprentice Richard Bean to be Assistant Apothecary, from the 21st January 1838, vice Dempsey deceased.

No. 30 of 1838.—Captain F. H. Sandys, of the 36th Regiment Native Infantry, Principal Assistant in charge of Nimnour, obtained in the political Department, under date the 3d January last, one month's leave of absence from the 5th ultimo.

Lieutenant A. Ramsay, of the 34th Regiment Native Infantry, Assistant to the Commissioner at Kumaon, obtained from the Lieutenant Governor North Western Provinces, under date the 29th December 1837, leave of absence, on medical certificate, to remain at Meerut for the re-establishment of his health, from the 23d of that month to the 1st of March next.

Lieutenant Colonel Burney, of the 16th Regiment Native Infantry, Resident at Ava, obtained in the Political Department, under date the 24th ultimo, leave of absence for two months, from the 6th December.

Assistant Surgeon J. Lamb, attached to the Civil Station of Malda, obtained leave of absence in the Judicial and Revenue Department, under date the 16th ultimo for two months, on medical certificate, in extension of the leave granted to him on the 19th December last.

Lieutenant Colonel James Caulfield, C. B., of the 1st Regiment Light Cavalry, was appointed in the Political Department, under date the 31st ultimo, Agent to the Governor General at Meerut, vice the Honorable Mr. Melville resigned.

Surgeon James Hutchinson was appointed in the General Department under date the 1st instant, to act as Private Secretary to the Deputy Governor of Bengal, until further orders.

J. STUART, Lieut.-Col.  
Off. Sec. to the Govt. of Ind. Mil. Dep.

## BY THE COMMANDER IN CHIEF.

### ECCLIASTICAL.—ARCHDEACONRY OF CALCUTTA.

The Lord Bishop of Calcutta has appointed under Faculty, The Reverend John Vauhan, Chaplain, to be Surrogate at Dinapore, in the above Archdeaconry, for granting Episcopal Licences of Marriage.

Dated at Calcutta, this 3d day of November 1837.

W. H. ABBOTT, Registrar.

Head Quarters, Camp, Thanaisur, December 24, 1837.—Andrew Inglis, a recruit, recently arrived in the ship Reulse, is placed on the Town Vauhan's list, and directed to be sent to Meerut, for employment under the orders of the Major General commanding the division.

3d Battalion Artillery.—Captain A. Abbott from 1st December, to 1st March 1838 to remain at Meerut, on private affairs, and enable him to join.

2d Regiment Native Infantry.—Lieutenant J. Shaw, from 1st December to 31st December in extension, to remain at the Presidency, on medical certificate.

Head Quarters, Camp, Thanaisur, Dec. 25, 1837.—The regimental order dated the 15th instant, by Major C. R. W. Lane, commanding the 2d native infantry, appointing Lieutenant T. Young to act as Adjutant, during the absence, on leave of Lieut. Kay, is confirmed.

The Presidency division order of the 4th instant, directing the transfer of Assistant Apothecary A. Deferagdy, from the Hospital of Her Majesty's 9th regiment to that of the 4th battalion of artillery at Dum-Dum, is confirmed.

The Saugor division order of the 9th instant, appointing Capt. R. D. White, of the 69th native infantry, to officiate as Deputy, Judge Advocate General to the division, on the departure on duty, of Capt. Macdonald, is confirmed as a temporary arrangement.

The leave of absence, for six months, granted to Major C. D. Davidson, of Engineers, in General Orders of the 29th ultimo, is to have effect from the 1st of September last, instead of from the date therein specified.

His Excellency the Commander in Chief is pleased to make the following appointment:

20th Regt. Native Infantry.—Lieut. A. B. Morris to be Interpreter and Quarter Master, vice Scott appointed to the commissariat department.

Half-pay, Drummer James Woolford is transferred from the European regiment to the 37th native infantry to complete the establishment of Drummers in the latter corps.

By Order of His Excellency the Commander in Chief.

**Head Quarters, Camp, Shikhabad, December 26, 1837.**—The Military Secretary to the Commander in Chief having obtained leave of absence, the duties of the Commander in Chief's office will be conducted by Captain John Michel, until further orders. Letters and papers intended for submission to His Excellency the Commander in Chief are to be addressed accordingly; and Captain Michel will authenticate such papers as require it, by his signature, as "Acting Military Secretary."

By order of His Excellency this Commander in Chief.

**Head Quarters, Camp, Umballa, December 28, 1837.**—The Presidency division order of the 14th instant, directing Surgeon W. Dyer, of the 8th, to proceed to Chittagong, and assume medical charge of the 55th regiment of native infantry, is confirmed.

The Nusserabad station order of the 14th instant, directing Surgeon J. Griffiths, of the 28th, to continue in medical charge of the 13th regt of native infantry, until further orders, is confirmed.

The regimental order of the 1st instant, by Captain J. Scott, commanding the 55th native infantry, appointing Lieutenant W. G. Horne to act as Adjutant, during the absence of Lieutenant Graham, on leave, is confirmed.

The leave of absence granted in General Orders of the 28th October last, to Captain J. George, of the 19th regiment of native infantry, is cancelled at his request.

Captain C. Gale, of the invalid establishment, is permitted to reside and draw his pay and allowances at Simla, instead of at Dinapore.

Sergeant James Orange, of the 1st battalion of artillery, is transferred to the Town Major's list, and appointed Quarter Master Sergeant to the 67th regiment native infantry, from the 11th instant vice L. such deceased.

Hospital apprentice H. Vermeue, attached to the general hospital, having absented himself without leave, is discharged the service from the 1st ultimo.

**Head Quarters, Camp, Bussur, 29th December, 1837.**—The Presidency division order of the 7th instant, directing Assistant Apothecary T. Absalom to proceed with Captain Beatty's detachment of recruits, as Assistant Apothecary and Assistant Steward, vice Dempsey reported sick, is confirmed.

The Presidency division order of the 13th instant, directing the undermentioned Cornet and Ensigns, lately admitted to the service, to join and do duty with the corps specified opposite their names, is confirmed:

Cornet F. J. Alexander,.....	10th regt. Light Cavalry at Muttra.
Ensign C. P. Trower,.....	12th regt. N. I. at Barrackpore.
" C. P. White,.....	12th ditto
" R. H. Hicks,.....	55th ditto
" J. Clarke,.....	55th ditto
" W. R. H. Fenshaw,.....	51th ditto
" H. J. W. Carter,.....	55th ditto
" J. C. Lamb,.....	55th ditto

The undermentioned officers have leave of absence:

14th regiment Native Infantry.—Ensign C. G. Wash, from 26th January to 25th July 1838, to visit Calcutta and Cherra Poonjee, on private affairs, preparatory to applying for furlough.

19th Regiment Native Infantry.—Lieut. and Adj. W. Smith, from 30th December to 30th March 1838, to visit the Presidency on medical certificate, and apply for furlough.

23d Regimt Native Infantry.—Lieut. and Braver Captain Lord Henry Gordon, from 1st January to 1st July 1838, to remain at Meerut on private affairs.

Subordinate Medical Dept.—Apothecary J. Douglas, attached to Her Majesty's 16th regiment of foot, from 1st February to 1st August 1838, to visit the hills north of Doyrah, on private affairs.

**Head Quarters, Camp, Bussur, 29th December 1837.**—Pensioned Drum Major William Smith is permitted, until further orders, to draw his stipend with the head quarters of the 25th regiment of native infantry.

Private William Kirkland and William Butler, of the European regiment, having been examined by a special medical committee, and found unfit for further service, are transferred to the veteran company at Chunar, and directed to be sent to join.

**Head Quarters, Camp, Munymajra, 30th December 1838.**—The Allahabad garrison order of the 26th instant, directing Assistant Surgeon R. Christie, under instructions from the Right Honorable the Governor General, to proceed to Katmandhoo, and to place himself under the orders of the acting Resident in Nepal, is confirmed.

His Excellency the Commander in Chief is pleased to order the following removals and postings of field officers:

Lieutenant Colonel R. Chalmers, from the 13th to the 67th regiment of native infantry.

Lieutenant Colonel H. Hall, on furlough, from the 43d to the 18th regiment of native infantry.

Lieutenant Colonel S. Hawthorne, on furlough, from the 62d to the 43d regiment of native infantry.

Lieutenant Colonel T. Dundas, from the 16th to the 62d regiment of native infantry.

Lieutenant Colonel H. Barney, from the 19th to the 16th regiment of native infantry.

Lieutenant Colonel G. Williamson, from the 56th to the 19th regiment of native infantry.

Lieutenant Colonel F. Young, from the 7th to the 56th regiment of native infantry.

Lieutenant Colonel H. Rom, new promotion, to the 7th regiment of native infantry.

His Excellency the Commander in Chief is pleased to make the following appointments:

European regiment.—Lieutenant William Broadfoot to be Adjutant, vice Clark proceeding on furlough.

16th Regiment Native Infantry.—Lieutenant W. H. Balders to be Adjutant, vice Evans proceeding on furlough.

49th Regiment Native Infantry.—Ensign H. S. Stewart to be Interpreter and Quarter Master.

Ensign Robert Anderson Ramsay is removed from the 49th to the 35th regiment native infantry, at his own request, and directed to join the latter corps on its arrival at Meerut, in progress to Kurnaul.

Colour Sergeant John Woolley, of the European regiment, is transferred to the Town Major's list, and appointed Bazar Sergeant at Meerut.

The undermentioned officers have leave of absence:

Garrison Staff.—Lieutenant General B. Marley, Commandant of Allahabad, from 15th January to 15th April 1838, to visit the Presidency on private affairs.

36th Regiment Native Infantry.—Lieutenant W. L. Hall, from 10th December to 10th February 1838, to remain at Dinapore, on medical certificate, and to rejoin his corps.

57th Regiment Native Infantry.—Ensign W. B. Lumley, from 23rd November to 6th December, on private affairs.

**Head Quarters, Camp, Munymajra, 31st Dec. 1837.**—With the sanction of the Right Honorable the Governor General, the undermentioned regiment of native infantry will move, according to the instructions with which they will be furnished from head quarters, and be stationed as follows:

41st regiment native infantry.—From Barrackpore to Benares.

56th regiment native infantry.—From Bancoorah to Barrackpore.

57th regiment native infantry.—From Benares to Barrackpore.

**Head Quarters, Simla, 6th January 1838.**—Under instructions from the Right Honorable the Governor General of India, His Excellency the Commander in Chief is pleased to authorize volunteers being called for, from the corps specified in the annexed table, for the purpose of providing commissioned and non-commissioned officers for the Oude auxiliary force, about to be raised.

2. It is to be distinctly explained to the men who may volunteer, that they are to consider themselves, from the date of their being struck off the strength of their present regiments, as servants of the King of Oude; and that the privilege allowed to soldiers of the Company's regular army, of preferring complaints through their officers to the Resident at Lucknow, respecting their village affairs or disputes, will not be granted to any persons of the Oude auxiliary force, but that all such matters must be adjusted by the native Government, as in the cases of other Oude subjects in His Majesty's military service.

3. The pay of the troops of the Oude auxiliary force will be the same as that fixed for the local corps in the Bengal army.

4. The native officers and privates will be entitled to the benefit of the pension establishment, after a service of not less than 20 years, if pronounced by a committee of medical officers unfit for further military duty. The scale of pension to correspond, in amount, with that granted to local troops on this establishment.

5. The men who may volunteer from corps of the H. M. for promotion into the force, if they have already served 15 years, will receive, when invalided, either the pension to which they would now be entitled if transferred from their present corps to the invalid establishment, or to such pension as they would acquire if in a local corps, whichever may be the highest. Volunteers who have not served 15 years in the line, will count their first service in respect to pension, as locals.

6. Commanding officers of corps, from which volunteering is permitted, will be careful to transfer only such men as may be fit for the advanced rank which they are about to attain, giving preference to old and deserving officers and soldiers.

7. Descriptive rolls of native officers, non-commissioned officers, and privates, to be prepared in duplicate; one copy to be forwarded to the Resident at Lucknow, and the other copy to the Adjutant General of the army.

8. The volunteers are to be paid up, and struck of the strength of their respective regiments, from the date of the publication of this order at the head quarters of the corps; and are to be directed to assemble, the drafts for the cavalry, golanahuse, and 1st regiment of infantry, at Sultanpore; and for the 2d regiment of infantry, at Seetepore.

9. Quarter Master Sergeant Edmund Sutcliffe, of the 44th regiment native infantry, is appointed Sergeant Major to the 1st infantry regiment of the Oude auxiliary force; Sergeant James Campbell, of the 4th battalion of artillery, and acting Sergeant John Hearne, of the European regiment, are transferred to the Town Major's list, and are appointed, the former to be Sergeant Major to the 2d infantry regiment, and the latter, who is promoted to Sergeant, to be Quarter Master Sergeant to the 1st infantry regiment, of the same force.

10. Sergeants Sutcliffe and Hearne will join their corps at Sultanpore; Sergeant Campbell will join that to which he has been attached at Seetepore.

Table showing the corps from which volunteers are to be taken for the Oude auxiliary force, for promotion.

For one company of Golanahuse.—The 6th battalion of artillery to furnish 1 Jemadar; 2 Havildars; 8 Naicks and 8 Sepoys.

1st Regiment of Infantry.—2d regiment of native infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 5 Sepoys.

7th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 5 Sepoys.

10th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

14th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 2 Sepoys.

20th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

31st Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

34th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

35th Regiment of Native Infantry to furnish 1 Jemadar; 0 Havildar; 4 Naicks and 2 Sepoys.

42d Regiment of Native Infantry to furnish 1 Jemadar; 0 Havildar; 4 Naicks and 4 Sepoys.

45th Regiment of Native Infantry to furnish 1 Jemadar; 0 Havildar; 4 Naicks and 3 Sepoys.

53d Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

62d Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

68th Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

Total, 10 Jemadars; 10 Havildars; 50 Naicks and 50 Sepoys.

2d Regiment of Infantry.—3th regiment of native infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 4 Sepoys.

16th Regiment of native Infantry to furnish 1 Jemadar; 0 Havildar; 4 Naicks and 3 Sepoys.

21st Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 3 Sepoys.

26th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 3 Sepoys.

27th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 3 Sepoys.

30th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 5 Sepoys.

37th Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 3 Naicks and 3 Sepoys.

38th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 5 Sepoys.

44th Regiment of Native Infantry to furnish 1 Jemadar; 1 Havildar; 4 Naicks and 5 Sepoys.

47th Regiment of Native Infantry to furnish 1 Jemadar; 0 Havildar; 3 Naicks and 5 Sepoys.

48th Regiment of Native Infantry to furnish 1 Jemadar; 0 Havildar; 4 Naicks and 3 Sepoys.

54th Regiment of Native Infantry to furnish 0 Jemadar; 0 Havildar; 3 Naicks and 3 Sepoys.

56th Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 3 Naicks and 5 Sepoys.

61st Regiment of Native Infantry to furnish 0 Jemadar; 1 Havildar; 3 Naicks and 3 Sepoys.

Total, 10 Jemadars; 10 Havildars; 50 Naicks and 50 Sepoys.

For Promotion.—1st regiment local horse to furnish 1 Ressaidar; 1 Naib Ressaidar; 3 Jemadars; 2 Kote Duffadars; 1 Duffadar and 15 Sowars.

2d regiment local horse to furnish 1 Ressaidar; 1 Naib Ressaidar; 3 Jemadars; 2 Kote Duffadars; 2 Duffadars; and 15 Sowars.

3d regiment local horse to furnish 1 Ressaidar; 1 Naib Ressaidar; 3 Jemadars; 1 Kote Duffadar; 1 Duffadar and 14 Sowars.

4th regiment local horse to furnish 1 Ressaidar; 0 Naib Ressaidar; 1 Jemadar; 2 Kote Duffadars; 2 Duffadars and 14 Sowars.

5th regiment local horse to furnish 0 Ressaidar; 1 Naib Ressaidar; 1 Jemadar; 2 Kote Duffadars; 2 Duffadars and 14 Sowars. Total, 4 Ressaidars; 4 Naib Ressaidars; 8 Jemadars; 8 Kote Duffadars; 6 Duffadars and 72 Sowars.

By order of His Excellency the Commander in Chief,

J. R. LUMLEY, Major Gen. Adj. Gen. of the Army.

\*Including 8 Sowars for promotion to Nishanburdars.

With the concurrence of the Right Honorable the Governor General of India, His Excellency the Commander in Chief is pleased to direct, that under no circumstance is the brigade of infantry stationed at Delhi to be left without its artillery. The company from the 6th battalion, attached to the battery at that post, is therefore to be relieved annually, in order that it may not be deprived of the benefit of practice beyond one season, in the course of its tour of duty at the station; and the Commandant of artillery, in preparing his plan for the periodical relief of detachments from the corps, will make his arrangements accordingly.

The Sirkid division order of the 28th ultimo, directing Mirza Aliyar Beg, Native Doctor, to proceed to Simla, and relieve Shaikh Goham Ghous, employed under the orders of Assistant Surgeon C. B. Handyside, M. D. is confirmed.

The Agra artillery division order of the 30th ultimo, appointing Gunner John Pawson, of the 4th company, 4th battalion, to act as laboratory-man to the division, during the practice season, in succession to Kehoe deceased, is confirmed.

The Presidency division order of the 16th ultimo, directing Captain W. J. Macville, of the 4th company 3d battalion of artillery, to do duty at the head quarters of the regiment at Dum-Dum, until the conclusion of the practice season is confirmed.

The detachment order of the 15th ultimo, by Ensign W. D. Goodyar, appointing Staff Sergeant John Fitzpatrick, of the 1st company 8th battalion of artillery, to act as Provost Sergeant to the party of convalescents returning from Landour to rejoin their corps, under his command, is confirmed.

Captain H. Dolafosse's appointment, on the 6th ultimo, of Gunner G. Bales to act as camp-colourman to the 3d troop 1st brigade of horse artillery, on its march from Meerut to Muttra, is confirmed.

The leave of absence granted to Lieutenant Colonel T. Madcock, of the 10th regiment of native infantry, in General Orders of the 2d of May last, is to be calculated from the 29th of that month, and to extend to the 1st of December, instead of the date specified in General Orders of the 22d September last.

The leave of absence granted to Lieutenant and Brevet Captain H. Moore, of the 34th regiment of native infantry, in General Orders of the 19th of September last, to visit the Presidency on private affairs, is to be calculated from the 20th of October, and to terminate on the 1st of December, instead of the dates therein specified.

Head Quarters, Simla, 7th January 1838.—The Presidency division order of the 17th ultimo, directing Assistant Surgeon J. B. Macdonald of the 3d light cavalry, detached to the Presidency medical charge of invalids, to rejoin his regiment, is confirmed.

The Sirkid artillery division order of the 14th ultimo, directing Lieutenant R. Waller, acting Adjutant to the 1st brigade, to perform the duties of Adjutant to the division, in the room of Lieutenant and Brevet Captain G. J. Cookson, permitted to resign the situation, is confirmed.

The Presidency division order of the 21st ultimo, appointing Lieutenant A. Stewart, of the European regiment, to the charge of a detachment of recruits for that corps, and to proceed with it by water to Agra, is confirmed.

Captain R. Aitken, of the invalid establishment, is permitted to reside in the hills in the of Deyrah, and draw his pay and allowances from the Meerut office.

Sergeant F. Reid, laboratory-man in the Chunar magazine, is appointed Park Sergeant in the magazine at Allahabad, vice Hardingham recommended to the artillery.

Serjt. George Falconer, supernumerary laboratory-man in the Delhi magazine, is transferred to the magazine at Chunar, vice Reid.

Head Quarters, Simla, 8th January 1838.—The Mhow station order of the 20th ultimo, directing Veterinary Surgeon J. Harris, of the 6th regiment of light cavalry, to give his professional aid to the 2d troop 1st brigade horse artillery, is confirmed.

The undermentioned officers have leave of absence:

19th Regiment Native Infantry.—Lieut. Colonel G. Williamson, from 20th December 1837, to 20th February 1838, to remain at the Presidency, on private affairs.

31st Regiment Native Infantry.—Lieut. and Brevet Captain H. Moore, from 1st January 1838, to January 1839, to visit the hill provinces north of Deyrah on medical certificate.

10th Regiment Native Infantry.—Lieutenant J. Philott, from 28th December 1837, to 28th June 1838 to proceed on the river, and eventually to the Presidency, on medical certificate.

58th Regiment Native Infantry.—Lieut. and Adjutant N. A. Parker, from 1st January 1838 to 15th February 1838, to visit the Presidency, preparatory to applying for furlough.



**29th Regiment Native Infantry.**—Lieutenant C. J. H. Perreau, from 8th December 1837 to 8th February 1838, to visit the Presidency, no medical certificate.

**8th Regiment Light Cavalry.**—Cornet T. T. Tucker, from 23d December 1837, to 1st February 1838 to visit Junapoor, on medical certificate.

**Head Quarters, Simla, 9th January 1838.**—Veterinary Surgeon W. P. Barrett, at present attached to the 7th light cavalry, is posted to the 1st brigade of the horse artillery, and directed to join its head quarters at Kurnal.

**Head Quarters, Simla, 10th January, 1838.**—The Presidency division order of the 19th ultimo, directing the undermentioned Native Doctors to join and do duty with the corps specified opposite their names, is confirmed:

—Mudhor Sing, with the 56th regiment native infantry at Bancoorah.

—Malar Bux, with the 67th regiment native infantry at Kyook Phyo, in Arracan.

The Rajpootana district order of the 28th ultimo, appointing Captain J. Hewitt, of the 52d regiment of native infantry, to officiate as Deputy Judge Advocate at an European general court martial assembled at Nusserabad, is confirmed.

The regimental order of the 6th ultimo, by Major J. D. Syers, commanding the 19th native infantry, appointing Lieutenant W. L. Mackeson to act as Adjutant, vice Smith, proceeding on leave of absence, is confirmed.

His Excellency the Commander in Chief is pleased to make the following appointments:

4th Battalion of Artillery.—Lieutenant F. Gaiskell, from the 3d battalion, to be Adjutant and Quarter Master, vice Carrow deceased.

Quarter Master Sergeant John Walsh, of the Nusserabad battalion, is appointed Sergeant Major to that corps vice Fairhurst transferred to the pension establishment.

Half-pay Drummer Samuel Jones is transferred from the European regiment to the 59th native infantry, to complete the establishment of Drummers in the latter corps.

The undermentioned officers have leave of absence:

Gene at staff—Major General Sir R. Stevenson, K. C. B. commanding the Cawnpore division, from 8th January 1838, to 8th December 1838 to visit Simla, on medical certificate.

6th Battalion Artillery.—Major C. H. Bell, from 10th Nov. 1837 to 15th Nov. 1838, to remain at Simla, on medical certificate.

21st Regt. N. I.—Captain O. Lomer, from 6th October 1837, to 31st December 1837, to visit Benares.

69th Regt. N. I.—Lieutenant and Adj. F. E. Smith, from 10th Nov. 1837 to 30th March 1838, in extension to visit the Presidency, on medical certificate, preparatory to applying for furlough.

71st Regt. N. I.—Captain E. Wintle, from 1st Jan. 1838, to 13th Feb. 1838, in extension, to remain at Agra, on private affairs, and to enable him to rejoin.

Ramghur light infantry battalion.—Major H. Lawrence, from 15th Jan. to 25th Feb. 1838, to visit the Presidency, on private affairs.

**Head Quarters, Simla, 11th January 1838.**—The Neemuch station order of the 26th ultimo, directing Assistant Surgeon G. E. Christopher, of the 2d light cavalry, to deliver over medical charge of the 24th regiment native infantry to Assistant Surgeon T. Russel, of the 1st light cavalry, and to perform the medical duties of the 28th native infantry during its march toward Mynpoorie, is confirmed.

The Meywar artillery division order of the 1st ultimo, appointing Sergeant Major J. Fraser and Farrier Sergeant D. Davis, of the 4th troop at brigade horse artillery, to act as laboratory men to the division, during the practice season, is confirmed.

The Presidency division order of the 25th ultimo, directing the undermentioned Cornets and Ensigns, lately admitted into the service, to join and do duty with the corps specified opposite their names, is confirmed:

Cornet J. J. Golloway, .... with the 5th regt. L. C. at Cawnpore.

" J. Munro, .....	" 6th "	"
" R. Christie, .....	" 8th "	" Sultanpore, Benares
Ensign J. P. P. T. Hawkey, .....	" 65th "	" N. I. at Berhampore
" W. Mayne, .....	" 4th "	" Goruckpore.
" A. Robinson, .....	" 65th "	" Berhampore.
" J. C. Fitzmaurice, .....	" 51st "	" Dinapore.
" R. J. Farre, .....	" 62d "	" Cawnpore
" O. Cavenagh, .....	" 31st "	" N. I. Allahabad
" W. W. D. Voyle, .....	" 6th "	" Secrole, Benares.
" D. C. Clute, .....	" 65th "	" Berhampore.
" A. Carrington, .....	" 1st "	" Saugor.
" A. Turner, .....	" 1st "	"
" B. M. Loveday, .....	" 31st "	" Agra.

His Excellency the Commander in Chief is pleased to make the following removals and postings:

Colonel James Cock, from the 12th to the 31st regiment native infantry, vice Colonel Henry Hodgson, from the latter to the former corps.

**Head Quarters, Simla, 13th January, 1838.**—The Presidency division order of the 30th ultimo, directing Assistant Surgeon A. Henderson, of the 50th regiment native infantry, to relieve Assistant Surgeon J. Anderson, M. D., from the medical charge of the troops on duty in Singhbhoon, is confirmed.

The following removals and postings will take place in the regiment of artillery.

Captain G. R. Crawford, from the 3d company 3d battalion to the 4th company 3d battalion.

Captain W. J. Macvittie, from the 4th company 3d battalion to the 3d company 3d battalion.

1st Lieutenant and Brevet Captain E. H. Ladlow, (on furlough) from the 4th company 1st battalion to the 1st company 4th battalion.

1st Lieutenant F. B. Boileau, (on furlough) from the 3d troop 3d brigade to the 6th company 7th battalion.

1st Lieutenant G. T. Graham, from the 1st company 4th battalion to the 1st company 2d battalion.

1st Lieutenant F. C. Burnett (on furlough) from the 6th company 7th battalion to the 4th company 1st battalion.

2d Lieutenant W. K. Warner, from the 3d company 3d battalion to the 1st company 6th battalion.

2d Lieutenant C. Boulton, from the 1st company 6th battalion to the 4th company 1st battalion.

2d Lieutenant E. Kaye, from the 1st company 4th battalion to the 3d company 3d battalion.

2d Lieutenant Kaye will do duty at Dum-Dum until the conclusion of the practice season.

His Excellency the Commander in Chief feels the highest pleasure in making the following communication to the Bengal army, which he trusts will be as gratifying to them to read, as it is to His Excellency to publish.

On the 1st of January 1838, the number of European commissioned officers belonging to the Bengal army, was two thousand four hundred and thirty-nine.

The number of native commissioned officers was one thousand seven hundred and nine.

During the past year, 1837, of this large body of officers, but five European, and four native officers have been charged with such conduct as has rendered courts martial necessary.

Of the cases of European officers, one was most honorably acquitted of all moral crime; the crime of another arose from accident; and two of the remaining three, were cases of breach of discipline, chiefly arising from errors of judgment.

There was but one conviction, comprising any serious turpitude, amongst either class of officers.

His Excellency deems such an absence of crime, or misconduct, to be most highly honorable to the officers of the Bengal army, European and Native; and he offers them the tribute of his warmest approbation in consequence.

He feels that the circumstances detailed, will fully justify his soliciting, as a boon to himself, the full pardon of Lieutenant M. Kittoe, of the 6th native infantry, recently dismissed by sentence of a general court-martial; and he will immediately make an application through the Supreme Government to the Honourable the Court of Directors to that effect.

The Hamsi station order of the 27th November last, directing Assistant Surgeon M. Richardson, M. D. of the 1st regiment of local horse, to afford medical aid to the Hurrianah light infantry battalion, and to the other troops and establishments at the station, is confirmed.

Ensign James Irwin Maiuwarig is, at his own request, removed from the right wing of the European regiment to the 32d regiment of native infantry at Bareilly.

The following Ensigns, to whom rank was assigned in Government General Orders, No. 253, of the 29th ultimo, are posted to the corps specified opposite to the their respective names, and directed to join:

Ensigns Richard William Henry Fanshawe, right wing European regiment at Agra; William Mayne, 49th regiment of native infantry at Neemuch; Orfeur Cavenagh, 32d regiment of native infantry at Daoga; Thomas Cole, 2th regiment of native infantry at Barrackpore; Athill Turner, 1st regiment of native infantry at Saugor; James Pattullo, (not arrived) right wing European regiment at Agra; Deane Christain Shute, 19th regiment of native infantry at Cuttack; John Crommelin Lamb, 52d regiment native infantry at Nusserabad; Cecil Plowden Trower, 23d regiment of native infantry at Agra; Arthur Carrington, 24th regiment of native infantry at Midnapore; Henry James William Carter, 66th regiment of native infantry at Hussinabad; Richard John Farre, 72d regiment of native infantry at Mhow; Byan Martin Loveday, 15th regiment of native infantry at Barrackpore; James Keith Forbes, 10th regiment of native infantry at Lucknow; Walter William Davies Voyle, 9th regiment of native infantry at Chittagong; John Cooper Fitzmaurice, 7d regiment of native infantry at Lucknow; John Stafford Paton, 14th regiment of native infantry at Agra; Thomas Spankie, B. A. 48th regiment of native infantry at Delhi; John Robinson, 69th regiment of native infantry at Saugor; Peter Henry Knight Dewani, 34th regiment of native infantry at Futehshah; Hector Alexandre Soudenman, 49th regiment of native infantry at Neemuch; Alfred Chicheley Plowden, 50th regiment of native infantry under orders for Mirzapore; Alexander Skene, (on leave to Van Dieman's Land) 64th regiment of native infantry at Allahabad; Martin Billeau Whish, 30th regiment of native infantry at Bandah; William Smith, 68th regiment of native infantry under orders for Barrackpore;

Edward Close, 41st regiment of N. I. at Nasso-rabad; James Grant Stephen 334 regiment of native infantry at Dacca; Peter Drummond, 23 60th regiment of native infantry at Mhow; Dumfries Crawford Alston, 36th regiment of native infantry at Meerut; Wm. Hooper, 12th regiment of native infantry at Barrackpore; Frederick Mills, 54th regiment of native infantry at Meerut; Joseph Pater Paterson Trascott Hawley, 74th regiment of native infantry under orders for Nussocorabad; James Clarke, 1st regiment of native infantry at Saugor; Robert Henry Hicks, right wing European regiment at Agra; Charles Patrick White 38th regiment of native infantry at Delhi; Alexander Robinson, 19th regiment of native infantry at Cuttack; and William Henry Williams, (not arrived) 6th regiment of native infantry at Khyouk Phyou, in Arracan.

**Head Quarters, Simla, 13th January 1838.**—His Excellency the Commander in Chief is pleased to make the following removals and postings.

Lieutenant Colonel H. Hall, on furlough, from the 13th to the 53d regiment of native infantry.

Lieutenant Colonel G. B. Bell, from the 52d to the 13th regiment of native infantry.

The following officers are appointed to do duty at the convalescent depot at Landour, during the approaching hot season:

Captain and Brevet Major Squire, ..... H. M. 13th L. I.  
Lieutenant and Brevet Capt. Meredith, ditto ditto.  
Lieutenant C. Sawyer ..... H. M. 2d R. or buff.  
Captain C. Mudie, ..... ditto light ditto.  
Captain G. H. Boisragon, ..... 72 Regt. of N. I.

These officers will join the depot at Landour by the 1st of April, and officers commanding divisions from which convalescents are proceeding, will avail themselves of their services in taking charge of men under orders for the hills.

The undermentioned officers have leave of absence:

58th Regiment Native Infantry.—Major H. C. M. Cox, from 19th December 1837, to 19th February 1838, to visit the Presidency, on medical certificate.

3d Regiment Native Infantry.—Lieutenant J. Shaw, from 31st December 1837, to 20th January 1838, in extension to enable him to rejoin.

Arracan Local Battalion.—Captain G. Burney, from 31st December 1837 to 6th January 1838 to enable him to rejoin.

**REMARKS.**—In General Orders of the 11th ult. confirming the Dinapore division order, appointing Hospital Apprentice to do duty with her Majesty's 49th regiment, for W. J. read Thomas Thompson. The order looks to be corrected accordingly.

By order of His Excellency the Commander-in-Chief.

J. R. LUMLEY, Major General.

Adjutant General of the Army.

**Head-Quarters, Simla, 15th January, 1838.**—The Presidency division order of the 28th ultimo, directing Hospital Steward J. Roberts, of the 1st brigade horse artillery, on duty at the Presidency to relieve Apprentice W. McKoon from the charge of the Steward's department in the hospital of Her Majesty's 3d light dragoons, and the latter to do duty with the corps as an Hospital Apprentice, is confirmed.

The 17th division order of the 6th instant, directing Lieutenant A. Brome, of the 1st brigade horse artillery, to proceed to Haupper, in charge of the remount horses admitted at Hissar, for the 2d, 5th, 7th, 8th and 10th regiments of light cavalry, and for the Presidencies of Madras and Bombay, and to return to Kurmaul, via Meerut, in charge of the horses assigned from the Haupper stud to the 2d light cavalry and other corps at Kurmaul and Loodianah, is confirmed.

The 8th division order of the above date, directing Lieutenant R. S. Trevor, of the 3d regiment of light cavalry, to receive charge of, and conduct to Kurmaul, the remount horses from the Hissar stud, for corps at that station and Loodianah, is also confirmed.

The regimental order by Colonel W. Nott, commanding the 34th native infantry, dated the 2d instant, directing Lieutenant W. Kennedy to act as Interpreter and Quarter Master, vice Hollings, proceeding on duty, is confirmed.

The regimental order by Major G. Young, commanding the 68th regiment native infantry, dated the 29th ultimo, appointing Lieutenant G. P. Brooke to act as Adjutant to the left wing of that corps, during its separation from the head quarters of the regiment, is confirmed.

The Saugor division order of the 29th ultimo, directing Kansee Promod Soekul, Native Doctor, of the Kamsoon local battalion, on leave of absence at Saugor, to join and do duty with the left wing of the 2d local horse, during its march to Bareilly, is confirmed.

His Excellency the Commander in Chief is pleased to make the following removals and postings in the artillery regiment:

Captain R. Roberts, (on furlough) from the 1st troop 2d Bri. gade to the 4th company 3d battalion.

Captain G. R. Crawford, from the 4th company 3d battalion to the 1st troop 2d brigade.

His Excellency the Commander in Chief is pleased to make the following appointments:

1st Brigade Horse Artillery.—1st Lieutenant and Brevet Captain J. B. Backhouse, from the 2d brigade, to be Adjutant and Quarter Master, vice Anderson promoted.

The undermentioned half pay Drummers are transferred from the European regiment to the 24th regiment native infantry, to fill vacancies as Drummers in the latter corps:

William McCarthy, Charles McCarthy, John Morgan.

By order of His Excellency the Commander in Chief.

**Head Quarters, Simla, January 17th**—The regimental order by Lieutenant Colonel R. Blackall, commanding the 50th regiment of native infantry, dated the 26th ultimo, appointing Captain J. Saunders to act as Interpreter and Quarter Master, vice Robertson proceeding on duty, is confirmed as a temporary arrangement.

The regimental order of the 16th ultimo, by Brevet Major S. Moody, commanding the 7th regiment of native infantry, appointing Lieutenant F. C. Brooke to act as Adjutant to four companies of the corps, during their separation from regimental headquarters, is confirmed.

The artillery regimental order dated the 1st instant, appointing 1st Lieutenant V. Eyres, of the 3d company 1st battalion, to act as Adjutant and Quarter Master to the right wing of the 4th battalion, vice Graham, proceeding on duty, is confirmed as a temporary arrangement.

Sergeant Robert Kelly, Congee-house Sergeant in Fort William, is transferred to the commissariat department, vice Prince deceased.

Sergeants Christopher Stokes of the commissariat department and John Dicy, Bazaar Sergeant at Kurmaul, are permitted to exchange situations.

The undermentioned individuals, of the pension establishment are permitted to change their places of residence, as follows, and to draw their stipends accordingly:

Sergeant Henry Robinson, from Allahabad to Chunar.

Sergeant W. Bowring, from Simla to the presidency.

Sergeant J. Robbins, from Chunar to the Presidency.

Gunner W. Boyle, of the veteran company at Chunar, is permitted to reside and draw his allowances at or in the vicinity of Benares.

The undermentioned officers have leave of absence:

42d regiment native infantry.—Captain A. McKinnon, from 1st February to 1st August 1838, to visit the Presidency, preparatory to submitting an application to retire from the service.

European regiment.—Captain J. P. Ripley, from 1st February to 31st January 1839, to visit the hills north of Deyrah, on medical certificate.

By order of His Excellency the Commander-in-Chief.

**Head Quarters, Simla, 19th January, 1838.**—The undermentioned officers have leave of absence:

3d regiment native Infantry.—Lieutenant T. Wallace, from 1st December, 1837 to 1st December, 1838, in extension, to remain in the hills north of Deyrah, on medical certificate.

3d regiment native Infantry.—Ensign G. A. F. Hervey, from 1st December 1837 to 1st December, 1838, to visit Simla, on medical certificate.

N. B. This cancels the unexpired portion of the leave granted to Ensign Hervey, in General Orders of the 14th November last.

24th regiment Native Infantry.—Captain A. S. Singer, from 1st February to 1st May, to visit the Presidency, preparatory to making an application for furlough.

25th regiment native Infantry.—Ensign C. A. Nicolson, from 23rd November, to 23rd December, 1837, to remain at the Presidency, on medical certificate.

57th regiment Native Infantry.—Ensign W. B. Lumley, from 19th January to 29th July, to visit Simla, on private affairs.

57th regiment Native Infantry.—Ensign S. C. Hampton, from 15th Jan. to 15th Mar. to visit the presidency, on private affairs.

The Mirzapore station order of the 9th instant, directing Civil Assistant Surgeon W. Gordon, M. D., to afford medical aid to the detachment of the 64th regiment of native infantry at that station, is confirmed, with effect from the 6th instant.

The detachment order dated the 26th ultimo, by Colonel (now Brigadier) J. H. Little, commanding at Aybhat, appointing Brevet Captain Interproter and Quarter Master R. McNair, of the 73d native infantry, to act as detachment staff to the 7th and 73d regiments, from the 14th November, is confirmed.

Quarter Master Sergeant Frederick Davton, of the 5th regiment native infantry, transferred to the Nasaroor battalion, vice Walsh, who has been appointed Sergeant Major.

**Head Quarters, Simla, 20th January 1838.**—1. It has been represented by the civil officers of the Government, that distress and inconvenience have been occasioned in the country & nominated the "Jungle Mahauls," (in the vicinity of part of the new road from Burdwan towards Benares,) by demands having been made by troops marching through it, for coolies and hackeries.

2. His Excellency the Commander in Chief therefore directs, that, in future, officers in command of regiments, or detachments will take care to supply themselves with the requisite means of transport at Burdwan and Sheerghatt, respectively, so that no demands may be made on the villages in the newly settled country referred to.

Lieutenant T. Wallace, of the 3d regiment native infantry, is appointed to do duty at the convalescent depot at Landour, during the ensuing hot season.

**Head Quarters, Simla, 23d January, 1838.**—The Meerut division order of the 11th instant, directing Surgeon H. Mowmarch, of the 2d brigade of horse artillery, to afford medical aid to the 2d company 2d battalion artillery, is confirmed, with effect from the 5th ultimo.

The regimental order dated the 23d ultimo, by Colonel C. W. Hamilton, commanding the 6th native infantry, appointing Lieutenant J. Marshall to act as Adjutant to the left wing of the regiment, during its separation from the head quarters of the corps is confirmed.

The Meerut artillery division order of the 5th ultimo, appointing Gunner John Hill, of the 9d troop 2d brigade, and Bombardier Patrick Evers, of the 2d company 2d battalion artillery, to act as laboratory-men, during the practice season, is confirmed.

The following removals and postings will take place in the regiment of artillery:

Lieutenant Colonel S. Shaw, from the 1st to the 7th battalion, Lieutenant Colonel R. Powney (on staff employ), from the 7th to the 1st battalion.

Major G. Everest (on staff employ), from the 1st to the 7th battalion.

Major G. N. C. Campbell, from the 7th to the 1st battalion.

Sergeant Waj. Andrew Burrows, of the 2d regiment native infantry, is appointed Bazar Serg. at Mhow and directed to be sent to join

The undermentioned officers have leave of absence:

5th Battalion Artillery, Captain J. S. Kirby, from 20th January to 5th November, in extension, to remain at Simla, on medical certificate.

47th Regiment Native Infantry, Lieutenant and Adjutant C. Corfield, from 20th January to 1st December, to visit Mussorie, on medical certificate.

50th Regiment Native Infantry.—Lieutenant H. M. Beeher, from 5th December, 1-37 to 5th February 1838, in extension, to remain at the Presidency, on medical certificate.

**Head Quarters, Simla, 24th January, 1838.**—The Benares order of the 10th instant, directing the following arrangements for sending to their several destinations the horses admitted by the Ghazepore committee, of which Major Cureton, of Her Majesty's 16th lancers, was president, is confirmed:

Captain G. G. Donais, of the 3d troop 2d brigade horse artillery, to the charge of the horses to the horse artillery, Her Majesty's 9d light dragoons and 16th lancers, and the 2d, 3d, 4th and 10th regiments of light cavalry.

Captain C. E. T. Oldfield, of the 5th light cavalry, to the charge of the horses for that corps, and for the 7th and 8th regiments of light cavalry.

Cornet R. Boniton, of the 7th light cavalry, to proceed via Mirzapore, towards Sauror, in charge of those for the 2d troop 1st brigade horse artillery, and for the 6th light cavalry.

Lieutenant T. B. Studdy, of the 8th light cavalry, to proceed, via Mirzapore and Jubbulpore, towards Natpore, in charge of the horses for the Madras and Bombay Presidencies, which are to be made over to the officer commanding the Nagpore subsidiary field force.

The horses for the 1st troop 3d brigade horse artillery at Dum-Dum, to be sent to the Presidency under charge of a native officer

of the 8th light cavalry and a party of dismounted troopers from that regiment.

Quarter Master Sergeant Michael Heery, of the 4th regiment native infantry, is recommended, at his own request, to the 1st battalion of artillery, in the rank he held previous to his transfer to the Town Major's list.

Sergeant Heery will continue as a supernumerary in the battalion, until the occurrence of a vacancy.

The undermentioned officer has leave of absence:

55th Regiment Native Infantry.—Major T. Dickinson, from 14th August 1837, to 14th December, 1837, to remain at the Presidency, on medical certificate, preparatory to applying for permission to proceed to the Cape.

The Barrackpore station order of the 14th ultimo, appointing Brevet Major H. Sibbald, of the 41st regiment native infantry, to officiate as Major of Brigade at that station, on the departure, on duty, of Captain Ludlow, is confirmed as a temporary arrangement, until the arrival of Brevet Major C. E. Davis, of the 56th native infantry.

**Head Quarters, Simla, 25th January, 1838.**—With the sanction of Government, Her Majesty's 3d regiment of light dragoons, now in march, will proceed towards Cawnpore, where it is to be stationed, agreeably to the instructions furnished to the officer commanding the corps by the Major General commanding the Presidency division.

"Weekly present states," and "reports of progress" are to be transmitted to the departments of the Adjutant General and Quarter Master General of the army, respectively, according to existing regulations.

The Oude district order under date the 1st instant, appointing Captain F. St. J. Stuart, of the 10th regiment native infantry, to officiate as Brigade Major, on the departure, on duty, of Captain W. M. N. Sturt, is confirmed as a temporary arrangement.

William Warner, at present under the orders of the Town Major of Fort William, is appointed a half pay Drummer in the European regiment, and directed to be sent to join by the first favorable opportunity.

**Head Quarters, Simla, 26th January, 1838.**—The Cawnpore artillery division order of the 12th instant, directing the following arrangements to have effect in the detachment of artillery drafts proceeding towards Agra, under the command of Captain F. Hickman, is confirmed:

Corporal C. Carlisle, of the 1st troop 2d brigade horse artillery to act as Sergeant Major.

Corporal S. Andrews, of the 1st troop 2d brigade horse artillery to act as Quarter Master Sergeant.

Gunner W. Hastings, of the 2d company 2d battalion, as Provost Sergeant.

Gunners C. Lewis, A. Bruce, E. Quinlan, L. Swetman, J. Bumley, T. Halewood, W. Nowland, and J. Mallett, as Sergeants.

Gunners H. Brewer, J. Ciffe, J. King, L. W. Brown, A. Barron, M. O'Neill, T. Ellis and W. Ross, as Corporals.

Captain T. Hickman's order of the 12th instant, appointing Gunner S. Jamieson, of the 4th company 2d battalion, to act as camp colour-man to the detachment of artillery drafts proceeding towards Agra and Meerut, is confirmed.

His Excellency the Commander in Chief is pleased to order the following removals and postings in the medical department: Superintending Surgeon Colin Campbell officiating 3d member of the medical board, from the Sirhind division to the Agra circle of superintendence.

Superintending Surgeon Samuel Ludlow, from the Agra circle to the Sirhind division.

Superintending Surgeon Alexander Halliday to the Benares division.

Officiating Superintending Surgeon George King is appointed to the Agra circle.

Assistant Surgeon John Mensies, from the Hurrannah light infantry battalion to the 62d regiment of native infantry.

Assistant Surgeon Samuel Holmes, from the 63d regiment of native infantry to the Hurrannah light infantry battalion.

The Sangor station order of the 30th ultimo, appointing Lieutenant and Adjutant C. Pirra, of the 64th regiment native infantry, to act as station staff, during the absence, on duty, of the Deputy Assistant General, is confirmed.

The appointment of Lieutenant John Anderson, of the 44th native infantry, in detachment orders under date the 18th instant, to act as Adjutant to the left wing of the corps, during its separation from the head quarters of the regiment, is confirmed.

The Meerut division orders of the 11th and 18th instant, appointing the following officers to the charge of remount horses, proceeding from the Government stud at Haupper to the stations specified, are confirmed:

Lieutenant G. L. Cooper, of the 2d brigade horse artillery, to Cawnpore.

Cornet J. H. L. M. Toome, of the 2d regiment light cavalry, to wards Nreemuch

Cornet C. A. Kitson, of the 10th regiment light cavalry, to Nagpore.

The Saur division order of the 11th instant, directing Assistant Surgeon W. Jacob, of the 66th, to proceed to Saur, and afford medical aid to the 64th regiment of native infantry, is confirmed.

Captain W. Goldes is removed from the 2d troop 3d brigade of horse artillery to the 1st company 5th battalion.

Captain C. McMorine is removed from the 1st company 5th battalion to the 2d troop 3d brigade of horse artillery.

His Excellency the Commander in Chief is pleased to make the following appointment:

1st Regiment of Native Infantry.—Lieutenant C. Wright to be Interpreter and Quarter Master.

The undermentioned warrant officer has leave of absence.

Subordinate Medical Department.—Assistant Steward W. H. Crawford, 5th battalion artillery, from 1st February to 1st September, to visit the Presidency on medical certificate.

*Head Quarters, Simla, 27th January, 1838.*—Hospital Steward J. Ryan attached to the 31st brigade horse artillery, is appointed to act as apothecary with the brigade, until further orders.

*Head Quarters, Simla, 29th January, 1838.*—The 56th regiment native infantry will march from Binnorah, agreeably to a route with which it will be furnished, towards Berhampore, instead of to Barrackpore, as directed in the General Order of the 31st ultimo.

On the arrival of the 56th regiment at Berhampore, the 65th regiment native infantry will march towards Barrackpore, where it is to be stationed.

*Head Quarters, Simla, 30th January 1838.*—His Excellency the Commander in Chief is pleased to direct, that whenever a detachment is sent from a regiment, the strength of which renders the services of an Adjutant requisite, the nomination is to be made by the officer commanding the regiment, previous to the departure of the party: in like manner, when a detachment composed of details from different regiments is made from the head quarters of a district or station, and for the staff duties of which an officer is allowed by existing regulations, the Brigadier or other superior officer detailing the party for the duty, will nominate the staff officer in his district or station orders.

The order dated the 5th instant, by Brigadier J. H. Little, commanding on the eastern frontier, appointing Brevet Captain R. McNair, of the 73d regiment of native infantry, to officiate as Major of Brigade to the force under his command, is confirmed as a temporary arrangement.

The regimental order dated the 5th instant, by Lieutenant Colonel S. Swinburne, commanding the 73d regiment of native infantry, directing Ensign W. Richardson to act as Interpreter and Quarter Master, during the absence of Lieutenant and Brevet Captain McNair, on duty, is confirmed.

The regimental order dated the 17th instant, by Major R. W. Porson, commanding the 47th regiment of native infantry, directing Lieutenant C. Boulton to act as Adjutant, during the absence, on leave, of Lieutenant and Adjutant Corfield, is confirmed.

The Dinapore station order of the 14th instant, appointing pensioned Sergeant W. Bowman to act as Bazar Sergeant, vice Ashby deceased, is confirmed.

Surgeon R. Grahaue, of the invalid establishment, is permitted to reside at Saur, for one year, from the 1st of December last, and to draw his pay from the Benares pay office.

The leave of absence granted in General Orders of the 6th ultimo, to Conductor J. Graves, of the ordinance department, is cancelled at his request.

Sergeant James Baddley, of the veteran company at Chanar, is permitted to reside and draw his pay at the Presidency.

*Head Quarters, Simla, 31st January, 1838.*—Surgeon R. Brown, of the 37th regiment native infantry, is appointed to act as Garrison Surgeon at Chanar, during the absence of Surgeon G. King, or until further orders.

The undermentioned officers have leave of absence:

Division staff.—Captain and Brevet Major R. Raydon, Assistant Adjutant General Benares division, from 15th November 1837 to 1st January 1838, in extension, to remain at the Presidency, preparatory to submitting an application to retire from the service.

1st Regiment native infantry.—Lieutenant A. Turner, from 15th January to 15th April, to visit the Presidency, on medical certificate, and apply for furlough.

11th regiment native infantry.—Lieutenant and Brevet Captain J. Macleann, from 18th January 1838 to 18th January 1839, to visit the hills north of Deyrah, on medical certificate.

67th Regiment Native Infantry Lieutenant Colonel R. Chalmers from 5th January to 25th February, to remain at the Presidency on medical certificate.

*Head Quarters, Simla, 1st February 1838.*—The Presidency division orders under date the 14th ultimo, appointing Assistant Surgeon D. Mac Nab, M. D. to the medical charge of the 41st regiment native infantry, and Surgeon J. Row, to that of the 2d regiment native infantry, are confirmed.

The Presidency division order of the 15th ultimo, appointing Hospital Apothecary F. Buchanan to act as Assistant Apothecary in the hospital of Her Majesty's 9th regiment, vice Hefferan transferred to the garison dispensary in Fort William, is confirmed as a temporary arrangement.

Sergeant Robert Meritt, of the European regiment, is transferred to the Town Major's list, from the 20th ultimo, and appointed Quarter Master Sergeant to the 2d infantry regiment in the Oude auxiliary force.

The undermentioned officer has leave of absence:

55th regt. N. I.—Captain W. Freeth, from 31 Feb to—, in extension, to await the arrival of his corps at Lucknow.

*Head Quarters, Simla, 2d February 1838.*—The following letter from the officiating Secretary to the Government of India, in the military department, is published for the information of those officers who concurred in the memorial, addressed by Colonel V. Roper, of the 76th regiment native infantry, to the Honorable the Court of Directors praying "that the three years granted for furlough, may be included in the periods prescribed by the Honorable Court, as entitling their officers to pensions.

No. 494.

TO THE ADJUTANT GENERAL OF THE ARMY.

*Head Quarters.*

*Mily Dpt.* Sir,—I am directed by the Honorable the President in council to acquaint you, for the information of His Excellency the Commander in Chief, and for communication to the parties concerned, that the Honorable the Court of Directors have declined to comply with the prayer of the memorial from Roper and other officers, which recommended your Assistant's letter No. 7/b, of the 29th December 1836; but have at the same time, granted additional advantages to the senior officers of the army, in respect of retiring pension, as announced in General Orders No. 258 of this date.

I am &c.

The Cawnpore division order of the 25th ultimo, appointing Captain H. Templar, of the 7th regiment of native infantry, to officiate as Major of Brigade at Cawnpore, vice Holmes, who has been permitted to resign the situation, is confirmed.

The Banah station order of the 19th ultimo, directing Assistant Surgeon J. H. Serrell, of the 53d, to receive medical charge of the left wing of the 44th regiment native infantry, is confirmed.

Captain P. Mainwaring, of the 33d regiment native infantry, (at present doing duty with the Sylhet light infantry battalion) who was promoted in Government General orders of the 18th December last, is directed to rejoin the corps to which he belongs at Jubbulpore.

His Excellency the Commander in Chief is pleased to make the following appointment:

28th regt N. I.—Lieutenant E. T. Tierney to be Interpreter and Quarter Master.

Lieutenant Interpreter and Quarter Master G. Pott, of the 3d regiment native infantry, having been pronounced by the examiners of the College of Fort William qualified for the duties of Interpreter, that officer is exempted from further examination in the native languages.

The undermentioned officers have leave of absence:

51st Regt. N. I.—Lieutenant Ysyr Lamb, from 1st April to 1st Oct. to visit the hills north of Deyrah, on private affairs.

The detachment order dated the 26th ultimo, by Colonel (now Brigadier) J. H. Lither, commanding at Ryhet, appointing Brevet Captain Interpreter and Quarter Master R. McNair, of the 73d native infantry, to act as detachment staff to the 7th and 73d regiments, from the 14th November, is confirmed.

Quarter Master Sergeant Frederick Dalton, of the 5th regiment native infantry, transferred to the Nasaroe battalion, vice Walsh, who has been appointed Sergeant Major.

**Head Quarters, Simla, 19th January, 1838.**—1. It has been represented by the civil officers of the Government, that distress and inconvenience have been occasioned in the country & nominated the "Jung's Mahals." (in the vicinity of part of the new road from Burdwan towards Benares,) by demands having been made by troops marching through it, for coolies and hackeries.

2 His Excellency the Commander in Chief therefore directs, that, in future, officers in command of regiments, or detachments will take care to supply themselves with the requisite means of transport at Burdwan and Sheerghatti respectively, so that no demands may be made on the villages in the newly settled country referred to.

Lieutenant T. Wallace, of the 3d regiment native infantry, is appointed to do duty at the convalescent dépôt at Landour, during the ensuing hot season.

**Head Quarters, Simla, 23d January, 1838.**—The Meerut division order of the 11th instant, directing Surgeon H. Mowmarch, of the 2d brigade of horse artillery, to afford medical aid to the 2d company 2d battalion artillery, is confirmed, with effect from the 5th ultimo.

The regimental order dated the 23d ultimo, by Colonel G. W. Hamilton, commanding the 6th native infantry, appointing Lieutenant J. Marshall to act as Adjutant to the left wing of the regiment, during its separation from the head quarters of the corps is confirmed.

The Meerut artillery division order of the 5th ultimo, appointing Gunner John Hill, of the 9d troop 2d brigade, and Bombardier Patrick Erera, of the 2d company 2d battalion artillery, to act as laboratory-men, during the practice season, is confirmed.

The following removals and postings will take place in the regiment of artillery :

Lieutenant Colonel S. Shaw, from the 1st to the 7th battalion, Lieutenant Colonel R. Powsey (on staff employ), from the 7th to the 1st battalion.

Major G. Everest (on staff employ), from the 1st to the 7th battalion.

Major G. N. C. Campbell, from the 7th to the 1st battalion

Sergt.-Maj. Andrew Burrows, of the 2d regiment native infantry, is appointed Bazar Serg. at Mhow and directed to besent to join

The undermentioned officers have leave of absence :

8th Battalion Artillery, Captain J. S. Kirby, from 20th January to 5th November, in extension, to remain at Simla, on medical certificate.

47th Regiment Native Infantry, Lieutenant and Adjutant C. Corfield, from 29th January to 1st December, to visit Mussoorie, on medical certificate.

50th Regiment Native Infantry.—Lieutenant H. M. Bocher, from 5th December, 1-37 to 5th February 1838, in extension, to remain at the Presidency, on medical certificate.

**Head Quarters, Simla, 24th January, 1838.**—The Benares order of the 10th instant, directing the following arrangements for sending to their several destinations the horses admitted by the Ghazecoor committee, of which Major Careton, of Her Majesty's 16th lancers, was president, is confirmed :

Captain G. G. Deansie, of the 3d troop 2d brigade horse artillery, to the charge of the horses for the horse artillery, Her Majesty's 3d light dragoons and 16th lancers, and the 2d, 3d, 4th and 10th regiments of light cavalry.

Captain C. E. T. Oldfield, of the 5th light cavalry, to the charge of the horses for that corps, and for the 7th and 8th regiments of light cavalry.

Cornet R. Boulton, of the 7th light cavalry, to proceed via Mirzapore, towards Sauror, in charge of those for the 2d troop 1st brigade horse artillery, and for the 6th light cavalry.

Lieutenant T. B. Studly, of the 8th light cavalry, to proceed, via Mirzapore and Junbulpore, towards Natpore, in charge of the horses for the Madras and Bombay Presidencies, which are to be made over to the officer commanding the Nagpore subsidiary field force.

The horses for the 1st troop 3d brigade horse artillery at Dum-Dam, to be sent to the Presidency under charge of a native officer

of the 8th light cavalry and a party of dismounted troopers from that regiment.

Quarter Master Sergeant Michael Heery, of the 4th regiment native infantry, is remanded, at his own request, to the 1st battalion of artillery, in the rank he held previous to his transfer to the Town Major's list.

Sergeant Henry will continue as a supernumerary in the battalion, until the occurrence of a vacancy.

The undermentioned officer has leave of absence :

55th Regiment Native Infantry.—Major T. Dickinson, from 14th August '837, to 14th December, 1837, to remain at the Presidency, on medical certificate, preparatory to applying for permission to proceed to the Cape.

The Barrackpore station order of the 14th ultimo, appointing Brevet Major H. Sibbitt, of the 41st regiment native infantry, to officiate as Major of Brigade at a station, on the departure, on duty, of Captain Ludlow, is confirmed as a temporary arrangement, until the arrival of Brevet Major C. E. Davis, of the 56th native infantry.

**Head Quarters, Simla, 15th January, 1838.**—With the sanction of Government, Her Majesty's 3d regiment of light dragoons, now in march, will proceed towards Cawnpore, where it is to be stationed, agreeably to the instructions furnished to the officer commanding the corps by the Major General commanding the Presidency division.

"Weekly present states," and "reports of progress" are to be transmitted to the departments of the Adjutant General and Quarter Master General of the army, respectively, according to existing regulations.

The Oude district order under date the 1st instant, appointing Captain P. St. J. Stuart, of the 10th regiment native infantry, to officiate as Brigade Major, on the departure, on duty, of Captain W. M. N. Sturt, is confirmed as a temporary arrangement.

William Warner, at present under the orders of the Town Major of Fort William, is appointed a half pay Drummer in the European regiment, and directed to be sent to join by the first favorable opportunity.

**Head Quarters, Simla, 26th January, 1838.**—The Cawnpore artillery division order of the 12th instant, directing the following arrangements to have effect in the detachment of artillery drafts proceeding towards Agra, under the command of Captain F. Hickman, is confirmed :

Corporal C. Carlisle, of the 1st troop 2d brigade horse artillery to act as Sergeant Major.

Corporal S. Andrews, of the 1st troop 2d brigade horse artillery to act as Quarter Master Sergeant.

Gunner W. Hastings, of the 2d company 2d battalion, as Provost Sergeant.

Gunners C. Lewis, A. Bruce, E. Quintevan, L. Swetman, J. Bumley, T. Halewood, W. Nowland, and J. Mallett, as Serjts.

Gunners H. Brewer, J. Ciffe, J. King-Lane, W. Brown, A. Barron, M. O'Neil, T. Ellis and W. Ross, as Corporals.

Captain T. Hickman's order of the 12th instant, appointing Gunner S. Jamieson, of the 4th company 2d battalion, to act as camp colour-man in the detachment of artillery drafts proceeding towards Agra and Meerut, is confirmed.

His Excellency the Commander in Chief is pleased to order the following removals and postings in the medical department :

Superintending Surgeon Colliu Campbell officiating 3d member of the medical board, from the Sirhind division to the Agra circle of superintendence.

Superintending Surgeon Samuel Ludlow, from the Agra circle to the Sirhind division.

Superintending Surgeon Alexander Halliday to the Benares division.

Officiating Superintending Surgeon George King is appointed to the Agra circle.

Assistant Surgeon John Menzies, from the Hurriannah light infantry battalion to the 62d regiment of native infantry.

Assistant Surgeon Samuel Holmes, from the 63d regiment of native infantry to the Hurriannah light infantry battalion.

The Sangoor station order of the 30th ultimo, appointing Lieutenant and Adjutant C. Pirri, of the 64th regiment native infantry, to act as station staff, during the absence, on duty, of the Deputy Assistant General, is confirmed.

The appointment of Lieutenant John Anderson, of the 44th native infantry, in detachment orders under date the 10th instant, to act as Adjutant to the left wing of the corps, during its separation from the head quarters of the regiment, is confirmed.

The Meerut division orders of the 11th and 15th instant, appointing the following officers to the charge of remount horses, proceeding from the Government stud at Hauppore to the stations specified, are confirmed :

Lieutenant G. L. Cooper, of the 2d brigade horse artillery, to Cawnpore.

Cornet J. H. L. M. Toome, of the 3d regiment light cavalry, to wards Neemuch.

Cornet C. A. Kitson, of the 10th regiment light cavalry, to Nagpore.

The Saugor division order of the 11th instant, directing Assistant Surgeon W. Jacob, of the 66th, to proceed to Saugor, and afford medical aid to the 64th regiment of native infantry, is confirmed.

Captain W. Geddes is removed from the 2d troop 3d brigade of horse artillery to the 1st company 5th battalion.

Captain C. McMorine is removed from the 1st company 5th battalion to the 2d troop 3d brigade of horse artillery.

His Excellency the Commander in Chief is pleased to make the following appointment :

1st Regiment of Native Infantry.—Lieutenant C. Wright to be Interpreter and Quarter Master.

The undermentioned warrant officer has leave of absence.

Subordinate Medical Department.—Assistant Steward W. H. Crawford, 5th battalion artillery, from 1st February to 1st September, to visit the Presidency on medical certificate.

*Head Quarters, Simla, 27th January, 1838.*—Hospital Stew. ard J. Ryan attached to the 31st brigade horse artillery, is appointed to act as apothecary with the brigade, until further orders.

*Head Quarters Simla, 29th January, 1838.*—The 56th regiment native infantry will march from Bencoorah, agreeably to a route with which it will be furnished, towards Berhampore, instead of to Barrackpore, as directed in the General Order of the 31st ultimo.

On the arrival of the 56th regiment at Berhampore, the 65th regiment native infantry will march towards Barrackpore, where it is to be stationed.

*Head Quarters Simla, 30th January 1838.*—His Excellency the Commander in Chief is pleased to direct, that whenever a detachment is sent from a regiment, the strength of which renders the services of an Adjutant requisite, the nomination is to be made by the officer commanding the regiment, previous to the departure of the party; in like manner, when a detachment composed of details from different regiments is made from the head quarters of a district or station, and for the staff duties of which an officer is allowed by existing regulations, the Brigadier or other superior officer detaching the party for the duty, will nominate the staff officer in his district or station orders.

The order dated the 5th instant, by Brigadier J. H. Little, commanding on the eastern frontier, appointing Brevet Captain R. McNair, of the 73d regiment of native infantry, to officiate as Major of Brigade to the force under his command, is confirmed as a temporary arrangement.

The regimental order dated the 5th instant, by Lieutenant Colonel S. Swinhe, commanding the 73d regiment of native infantry directing Ensign W. Richardson to act as Interpreter and Quarter master, during the absence of Lieutenant and Brevet Captain McNair, on duty, is confirmed.

The regimental order dated the 17th instant, by Major R. W. Foxson, commanding the 47th regiment of native infantry, directing Lieutenant C. Boulton to act as Adjutant, during the absence, on leave, of Lieutenant and Adjutant Corfield, is confirmed.

The Dinapore station order of the 19th instant, appointing pensioned Sergeant W. Bowman to act as Bazar Sergeant, vice Ashby deceased, is confirmed.

Surgeon R. Grahame, of the invalid establishment, is permitted to reside at Saugor, for one year, from the 1st of December last, and to draw his pay from the Benares pay office.

The leave of absence granted in General Orders of the 6th ultimo, to Conductor J. Graves, of the ordinance department, is cancelled at his request.

Sergeant James Baddeley, of the veteran company at Chunar, is permitted to reside and draw his pay at the Presidency.

*Head-Quarters, Simla, 31st January, 1838.*—Surgeon R. Brown, of the 37th regiment native infantry, is appointed to act as Garrison Surgeon at Chunar, during the absence of Surgeon G. King, or until further orders.

The undermentioned officers have leave of absence :

Division staff.—Captain and Brevet Major R. Raydon, Assistant Adjutant General Benares division, from 15th November 1837 to 1st January 1839, in extension, to remain at the Presidency, preparatory to submitting an application to retire from the service.

1st Regiment native infantry.—Lieutenant A. Turner, from 15th January to 15th April, to visit the Presidency, on medical certificate, and apply for furlough.

11th regiment native infantry.—Lieutenant and Brevet Captain J. Maclean, from 15th January 1838 to 15th January 1839, to visit the hills north of Deyrah, on medical certificate.

67th Regiment Native Infantry Lieutenant Colonel R. Chalmers from 5th January to 25th February, to remain at the Presidency on medical certificate.

*Head Quarters, Simla, 1st February 1838.*—The Presidency division orders under date the 11th ultimo, appointing Assistant Surgeon D. Mac Nab, M. D. to the medical charge of the 41st regiment native infantry, and Surgeon J. Row, to that of the 3d regiment native infantry, are confirmed.

The Presidency division order of the 15th ultimo, appointing Hospital Apprentice F. Buchanan to act as Assistant Apothecary in the hospital of Her Majesty's 9th regiment, vice Hefferan transferred to the garrison dispensary in Fort William, is confirmed as a temporary arrangement.

Sergeant Robert Moritt, of the European regiment, is transferred to the Town Major's list, from the 20th ultimo, and appointed Quarter Master Sergeant to the 2d infantry regiment in the Oude auxiliary force.

The undermentioned officer has leave of absence :

55th regt. N. I.—Captain W. Freeth, from 31 Feb to —, in extension, to await the arrival of his corps at Lucknow.

*Head Quarters, Simla, 2d February 1838.*—The following letter from the officiating Secretary to the Government of India, in the military department, is published for the information of those officers who concurred in the memorial, addressed by Colonel V. Roper, of the 70th regiment native infantry, to the Honorable the Court of Directors praying "that the three years granted for furlough, may be included in the periods prescribed by the Honorable Court, as entitling their officers to pensions.

No. 494.

TO THE ADJUTANT GENERAL OF THE ARMY.

*Head Quarters.*

*My Dept.* Sir,—I am directed by the Honorable the President in council to acquaint you, for the information of His Excellency the Commander in Chief, and for communication to the parties concerned, that the Honorable the Court of Directors have declined to comply with the prayer of the memorial from Roper and other officers, which accompanied your Assistant's letter No. 755, of the 29th December 1836; but have at the same time, granted additional advantages to the senior officers of the army, in respect of retiring pension, as announced in General Orders No. 258 of this date.

I am &c.

The Cawnpore division order of the 25th ultimo, appointing Captain H. Temple, of the 7th regiment of native infantry, to officiate as Major of Brigade at Cawnpore, vice Holmes, who has been permitted to resign the situation, is confirmed.

The Banah station order of the 19th ultimo, directing Assistant Surgeon J. H. Serrell, of the 53d, to receive medical charge of the left wing of the 43th regiment native infantry, is confirmed.

Captain P. Mainwaring, of the 33d regiment native infantry, (at present doing duty with the 81st light infantry battalion) who was promoted in Government General orders of the 16th December last, is directed to rejoin the corps to which he belongs at Jubbulpore.

His Excellency the Commander in Chief is pleased to make the following appointment :

24th regt N. I.—Lieutenant E. T. Tierney to be Interpreter and Quarter Master.

Lieutenant Interpreter and Quarter Master G. Pott, of the 3d regiment native infantry, having been pronounced by the examiners of the College of Fort William qualified for the duties of Interpreter, that officer is exempted from further examination in the native languages.

The undermentioned officers have leave of absence :

51st Regt. N. I.—Lieutenant Yarr Lamb, from 1st April to 1st Oct. to visit the hills north of Deyrah, on private affairs.

**European regi.**—Captain C. Wilson, from 1st Feb to 1st April to visit the hills north of Deyrah, on private affairs.

**Head Quarters, Simla, 8th Feb, 1838.**—The Commander in Chief has been pleased to make the following promotion, until the pleasure of Her Majesty shall be known :

**6th Foot.**—Ensign E. J. Blanekey to be Lieutenant without purchase, vice English deceased, 17th January 1838.

**Leave of Absence.**—16th *Lancers*—Lieut. W. S. O'Grady, from 1st February to 15th November, to proceed to Landour, on medical certificate.

**3d Foot.**—Lieut. A. Menzies, from 17th April to 17th October, to Almorah, on private affairs.

*Idem*—Lieut. P. Speedy, from 1st May to 1st November, to Mussoorie, on private affairs.

*Idem*—Lieut. J. C. Handfield, from 17th April to 17th October *ditto*, *ditto*.

*Idem*—Lieut. H. P. Chamberlain, from 1st May to 1st November, *ditto*, *ditto*.

*Idem*—Ensign H. C. A. Clarke, from 10th February to 1st Nov. *ditto*, on medical certificate.

By order of the Commander in Chief.

R. TORRENS, M. G.  
Adj. Genl. to H. M. Forces in India.

The Presidency division order of the 21st ultimo, directing supernumerary Doctor Ahmed Alee, attached to the 41st regiment of native infantry, to do duty under the orders of the staff Surgeon at Barrackpore, is confirmed.

The eastern frontier order by Brigadier J. H. Littler, dated the 10th ultimo, directing the following medical arrangements, is confirmed :

Surgeon J. S. Sullivan, of the 56th native infantry, and at present doing duty with the Sylhet light infantry battalion, on being relieved from the medical charge of the latter corps by Assistant Surgeon J. Davenport, M. D. proceed to Jumnulpore, and perform the medical duties of the 56th native infantry, pending the arrival of his own regiment at that station.

Assistant Surgeon A. Gibbon, doing duty with the 36th regiment, to assume medical charge of the 56th native infantry, on his arrival at Jumnulpore, and proceed with it to Barrackpore.

The appointment, in General Orders of the 26th ultimo, of Lieutenant C. Wright, of the 1st native infantry, to be Interpreter and Quarter Master, is cancelled : and His Excellency the Commander in Chief has been pleased to nominate the officer to the situation of Adjutant of the regiment, vice Barn promoted.

Lieutenant R. T. Sandeman of the 33d regiment native infantry will continue to act as Interpreter and Quarter Master to the 1st regiment native infantry, until further orders.

**Head Quarters, Simla, 9th Feb, 1838.**—In continuation of General Orders of the 5th of August last, His Excellency the Commander in Chief directs that the monthly returns of European troops and companies of artillery therein referred to shall be accompanied by casualty lists, prepared according to the form laid down in General Orders of the 16th of October 1838 :

If no casualties have occurred during the month, a memorandum to that effect is to be forwarded with the return of the troop or company.

The Allahabad garrison order under date the 9th ultimo, appointing Assistant Surgeon A. Beattie (civil Assistant Surgeon) to act as Assistant garrison Surgeon, during the absence, on duty, of Assistant Surgeon Christie, or until further orders, is confirmed.

The General Orders of the 26th and 31st ultimo, directing an exchange of circles between Superintending Surgeons C. Campbell and S. Ludlow ; appointing officiating Superintending Surgeon G. King to Agra, and nominating Surgeon R. Brown to act as garrison Surgeon at Chunar, cancelled : and those officers will remain in the performance of the duties in which they were severally engaged previous to the publication of the order.

By order of His Excellency the Commander in Chief.

**Head Quarters, Simla, 10th February 1838.**—The Cawnpore division order of the 49th ultimo, directing Assistant Steward W. H. Crawford to do duty with a detachment of artillery proceeding to the Presidency by water, is confirmed.

**Head Quarters, Simla, 12th February 1838.**—The Cawnpore station order of the 8th ultimo, making the following arrangements for the march of the artillery drafts arrived from the Presidency, under the command of Captain T. Hickman, is confirmed.

Lieutenant and Brevet Captain H. N. Pepper of the 3d battalion, to the command of those proceeding to Saugor and Bhool

Assistant Surgeon G. G. Brown, M. D. to have medical charge, and Hospital Apprentice D. Fleming to act as Assistant Apothecary and Assistant Steward to the detachment.

Captain Hickman, on his arrival at Mysore with the remainder of his detachment to forward the men for Agra, Muttra, and Nussereabad, to Agra, under charge of 2d Lieutenant H. M. Conran, of the 4th battalion.

Assistant Apothecary G. Higginson and Assistant Steward J. H. Murray to accompany the detachment for Meerut ; and Hospital Apprentice J. Keen to be detached from Mysore as acting Assistant Apothecary with the party for Agra.

Sergeant William Bowman, of the pension establishment, is appointed Bazar Sergeant at Dinapore, in succession to Ashby deceased.

The undermentioned officers have leave of absence :

**29th Regiment Native Infantry.**—Major D. D. Anderson, from 15th January to 15th April to visit Allahabad and the Presidency, preparatory to applying for permission to retire from the service.

**1st Company 3d Battalion Artillery.**—Captain A. Abbott, from 1st March, to 10th March is extension, to enable him to join.

**47th Regiment Native Infantry.** Lieutenant and Brevet Captain M. T. Rabau, from 30th April to 30th October to visit the hills in the vicinity of Almorah, on private affairs.

**Rangurh Light Infantry Battalion.**—Assistant Surgeon W. Dunbar, M. D. from 18th December 1837 to 14th January 1838, to visit Hazareebaugh, on account of his health.

**Head Quarters, Simla, 14th February, 1838.**—His Excellency the Commander in Chief is pleased to make the following removal and posting of field officers :

Lieutenant Colonel John Taylor (on furlough,) from the 29th to the 15th regiment native infantry.

Lieutenant Colonel W. Burroughs, new promotion, to the 26th regiment native infantry, vice Taylor.

By order of His Excellency the Commander in Chief.

## GENERAL ORDERS, THE QUEEN'S TROOPS.

**Head Quarters, Simla, 6th January, 1838.**—No 91.—His Excellency The Commander in Chief has been pleased to promote the undermentioned Officer to the Rank of Captain, by Brevet, in the East India only :

**13th Foot.**—Lieutenant Arthur Wilkinson, from 24th Dec., 1837.

The Presidency Division Order by Major General Sir W. H. Loughby Cotton, K. C. H. dated the 13th December 1838, directing Lieutenant Holder, 12th, and Ensign Brockman, 49th Regiments, to join, and to do duty with the recruits arrived from England ; and that, dated the 23d ultimo, directing Assistant Surgeon Knox, 3d Dragoons, to proceed in medical charge of the sick of that and other corps, ordered to Cawnpore by water, and Assistant Surgeon Chapman, 16th *Lancers*, to do duty with the Detachment ordered to march under the command of Colonel Thackwell, are confirmed.

The Division Order by Major General Sir Robert Stevenson, K. C. B., of the 26th December last, directing Lieutenant J. Cowell, 3d Dragoons, to join and to do duty with the Detachment of that Corps, under the command of Captain Bond, is confirmed.

The Regimental Order by the Officer commanding 3d Dragoons of the 13th November last, directing Cornet and Adjutant J. Sullivan to perform the duties of the Regimental Quarter Master until further orders, is confirmed from the 13th of that month.

The Order by Captain Hinton, commanding a detachment of H. M. 16th *Lancers*, appointing the following non-commissioned acting staff, is confirmed from the 1st of December, viz :—  
To be Acting Sergeants, 16th *Lancers*.—Privates William Kells and George Matthews.

To be Acting Corporals, 16th *Lancers*.—Privates William Hills and J. C. Montague.

The leave of absence granted by His Excellency Lieutenant General Sir P. Maitland, to Lieutenant James Walker, 55th Foot, from 15th December 1837 to 31st March 1838, to proceed to Bengal, on urgent private affairs, is confirmed.

The leave of absence granted by His Excellency Lieutenant General Sir J. Keane, to Lieutenant Morris, 40th Foot, to proceed to England, for 2 years from date of embarkation, on medical certificate, is confirmed.

The undermentioned Officers have leave of absence :

**9th Foot** Lieutenant W. W. Powell, to England, for 2 years from date of embarkation, on private affairs.

## GENERAL REGISTER.

**16th Foot**—Captain R. Luxmore, from 15th March to 14th September next, to visit Almorah, on private affairs.

**17th Foot**—Lieutenant J. Stawell, to England, for 2 years from date of embarkation, on urgent private affairs.

**41th Foot**—Lieutenant H. Downes, ditto ditto.

**49th Foot**—Captain D. Macandrew, from 2d February to 15th March, to the Presidency, to appear before a Medical Board.

**Ditto**—Lieutenant J. Ramsey, from 15h January to 15th March, to Calcutta, on private affairs.

**54th Foot**—Quartermaster James Willox, to England, for 2 years from date of embarkation, on private affairs.

**Head Quarters, Simla, 22d January, 1838**—No. 97.—His Majesty had been pleased to make the following Promotions and Appointment in the undermentioned Regiment serving in India:

**4th Foot**—Lieutenant Thomas Mitchell Chambers to be Captain by purchase, vice Faunce, who retires 7th April 1837.

Ensign George King to be Lieutenant, by purchase, vice Chambers, 7th April 1837.

James Cross, gent. to be Ensign, by purchase, vice King, 7th April 1837.

The Division Order by Major General Sir Willoughby Cotton, K. O. H., dated 26th December last, directing Ensign Brookman 49th, to remain in Fort William to take Charge of Volunteers from the 15th Foot, expected to arrive from Madras, for that Corps, is confirmed.

Captain Roebuck. The Regimental Orders by the Officer  
" Reynolds. Commanding the 11th Light Dragoons, dated  
Lt.-Capt. Tuckett. the 2d and 3d December 1837.—the former,  
Lieut. Parker. directing the embarkation of the Officers,  
" Forrest. named in the margin, with the 1st Division  
Cornet Forrest. under the Command of Major Jenkins, and  
Assistant Surgeon the latter, appointing the following Non-  
Hutchinson in Me. Commissioned Staff.—to have effect from the  
dical Charge. 4th instant, (December) are confirmed:

Sergt. Goodlass to act as Provost Sergt. } to the 1st Division.  
Corp. Archer to act as Qr. Mr. Sergt. }

Sergeant Ennis to act as Sergeant Major } to the right Division.  
Lance Sergt. Gilleland to act as Pr. Sergt }

The undermentioned Officers have leave of absence:

**4th Light Dragoons**—Lieutenant G. C. Dalbise, to England, for 2 years from the date of embarkation, on private affairs.

**16th ditto**—Lieutenant C. B. Codrington, for three months from 1st February next, to the Presidency, and thence to England, for 2 years from date of embarkation, on private affairs.

**31st Foot**—Assistant Surgeon Ayre, in extension, from 29th instant to 10th February.

**Head Quarters, Simla, 12th February 1838**—No 182.—Her Majesty has been pleased to make the following promotions and appointments in the Regiments serving in India.

**13th Light Dragoons**—Captain Thomas Pilling Lang to be Major, without purchase, vice Taylor deceased, 27th November 1836.

Lieutenant George Manners to be Captain, vice Lang, 15th September, 1837.

Cornet John Hamilton Gray to be Lieutenant, vice Manners, 15th Sept. 1837.

Cornet and Adjutant Charles Floyd to have the rank of Lieutenant, 16th September 1837.

William Highmore Rosser, gent. to be Cornet, vice Gray, 15th September 1837.

**2d Foot**—Ensign Thomas A. Nixon to be Lieutenant, without purchase, vice Wilton deceased, 5th February, 1837.

Gentleman Cadet Thomas Addison, from the Royal Military College, to be Ensign, vice Nixon, 15th September, 1837.

**4th Foot**—Lieutenant Farquhar M. Campbell to be Captain, by purchase, vice Westmacott, who retires, 6th October 1837.

Ensign Charles Staniforte Hext to be Lieutenant, by purchase, vice Campb 11, 6th October 1837.

Ensign William Wilby to be Lieutenant, by purchase, vice Zouch, who retires, 7th October 1837.

John Haies Glazbrook, gent. to be Ensign, by purchase, vice Hext, 6th October 1837.

**6th Foot**—Lieutenant Andrew David Alston Stewart, from the 42d Regiment, to be Lieutenant, vice Lord Charles Kerr, who exchanges, 1st September 1837.

**4th Foot**—Lieutenant General Sir Ralph Darling, from the 90th Foot, to be Colonel, vice Lieutenant General Honorable Sir Edward Stopford, G. C. B. deceased, 26th September 1837.

By Order of the Commander in Chief

R. TORRENS, Major Genl.

Adj. Genl. to Her Majesty's Forces in India.

## SHIPPING REGISTER.

### ARRIVALS AT KEDGEREE.

Feb. 1. French Brig *Astronomic*, G. Bernard, from Marseilles 18th July, and Bourbon 16th Nov.—French ship *Courier de Bourbon*, A. Dubois from Bourbon 8th Dec.—1. French Barque *La Nouvelle Louis*, Le Fluck, from Havre 16th Sept.—5 English Barque *Bright Planet*, R. Malcolm, from Moulineis, 21st Jan.—English Brig *Pom Bona*, C. M. Crisp, from Rangoon, 17th Jan.—7. H. M. ship *Victor*, Capt. R. Crozier, from Tricomalee 2d, and Ganjam 30th Jan.—8 English Brig *Ann*, H. Pybas, from China 7th, Singapore 16th, and Penang 22d Jan.—9 French Barque *Mogul*, R. de Beaufort, from Havre 7th Sept.—10 Swedish Brig *Donna Maria*, R. H. Bowman, from Stockholm 12th Aug. and Cowes 1st Sept.—English ship *Eucles*, R. Paul, from Liverpool, 25th Sept.—10 English Barque *Haides*, W. D. Messiter, from Singapore 29th Dec.—French Barque *Cecilia*, Lovesque, from Bourbon, 3d Dec.—11. English Schooner, *Samuel Baker*, R. Wild, from the Mauritius 14th Dec.—14. English Barque *Cowafes Family*, R. Wallace, from China, 13th, and Singapore 21st Jan.—French ship *Victor and Felicie*, Carven, from Bourbon 30th Dec.—15 English ship *Earl of Clare*, T. Scott, from China, 26th Dec.—Singapore 8th, and Penang 21st Jan.—English Barque *Eudora*, S. Addison, from Hobart Town, 4th Nov.—16 English ship *Roxburgh Castle*, W. Cumberland, from London, 4th Oct., Cape 11th Dec., and Madras 2d Feb.—French ship *Eulalie*, Douzelle, from Bourbon, 29th Nov.—10 English Barque *Vohnteer*, A. McMinn, from Liverpool, 19th Sept.—English Barque *Ivanhoe*, J. Gibson, from Liverpool, 3d Oct.—23 English ship *Mona*, G. Pell, from Liverpool, 13th Sept. and Mauritius, 6th Jan.—English Barque *Drummore*, W. A. Mylne, from Newcastle 5th Sept.—French Barque *Preooyants*, Guillaie, from Bourbon 30th Dec.—21 Schooner *John Hepburn*, B. Robertson, from Moulineis, 29th Jan., and Rangoon 11th Feb.—26 English Brig *Euphrasia*, A. Payot, from the Mauritius, 4th Jan.—28 English Brig *Earl Grey*, A. Adamson, from Liverpool, 19th Oct.—28 American Brig *George Gardiner*, Taylor, from Philadelphia 8th Nov.

### ARRIVALS OF PASSENGERS.

*Per Roxburgh Castle, from London and Madras*—Lady Gordon; Mrs Mountain; Mrs. Maitland; Mrs. Campbell; Major M. untain, 28th Cameroons; Mr. Maitland, 4th B.N.I.; Mr. Campbell, 43d ditto; Capt Ludlow. B. Art.; Capt Fraser. 2d B.C.; Mr. Hawks, 4th King's Own Regiment; Mr. Fisher, E. J. C. Cadet; Messrs Page and E. Page from Madras; Misses Brydshaw and Harris; Mr. Short, 13th Light Dragoons, and Mr. Wm. Moore.

*Per Mona, from Mauritius*—Messrs. W. T. Brochman, Edward Asseforth and James Taylor.

*Per Drummore, from Newcastle*—Capt. McCallum and Mr. A. L. Dickson.

The *Bhangurty* Accommodation Boat, in tow of the *Thames Steamer*, arrived on Tuesday from Allahabad with the following passengers, viz.—H. H. Prince Henry of the Netherlands; Capt Arriens; Capt. Caine; R. Woodward, Esq.; E. Saunders, Esq. and Mr. Bell.

### DEPARTURES FROM CALCUTTA.

Feb. 1st. *Brexbornebury*, A. Chapman, and *Richmond*, McLeod, for London.—Feb. 3d. *Clifton*, S. Gross, and *Juliana*, Wainwright, for London; *Patriot King*, J. Clarke, for Liverpool, and *Arrarate* for Muscat.—4th. *Courier*, J. Dixon, for the Cape of Good Hope.—5th. *Harsinger*, Nacoda, for Bombay.—6th. *Moir a. T. Owen*, for London.—8th. *Dorothy Gales*, G. Moore, for the Mauritius.—10th. *Margaret*, W. C. Spain, for Moulineis.—11th. *Syph*, Thos. Viell, for China, and *Robert Le Diable*, Laporte, for Bourbon.—13th. *Snelthead*, H. Ferguson, for Holland; *Hydroos*, Nacoda, for Red Sea and Malabar; *Elizabeth*,



Mannak, for Moulinet and Rangoon; *Pero*, John Gray, for Sydney and New South Wales; *Diane*, H. Ireland, for Harra, 15th St. George, E. Williams, for Bristol; *Emily Jane*, W. Shells, for Singapore and China; *Valleki Baha*, Nacoda, for Jeddah; 7th. *Carandish Bealack*, A. Mackenzie, for Bristol and Mauritius; *Coronall*, Wm. Bell for London—20th *Gangs*, B. Amiel for Bordeaux—21st. *Swallow*, R. Macalister, for Madras; 24th. *Suloman Shaw* Nacoda, for Muscat; *Edward*, Du om for Bordeaux; *Emerald Isle*, Thos. Driver, for New South Wales via Madras—28th. *Samuel Baker*, R. Wilde, for Mauritius.

## DEPARTURES OF PASSENGERS.

*Per Emerald Isle for Australia*—Mrs. Lock, Mrs. Becher, Mrs. Louchman, Mrs. Bell, Mrs. Yeatman, Mrs. Chisholm, Mrs. E. B. Gleeson, and Mrs. J. H. Gleeson; J. Donnanthorpe, Esq. C.S.; Dr. E. J. Yeatman; Lieutenant Charles Graham; Lieutenant H. Becher; Captain J. M. Lounghan; Mr. E. B. Gleeson; Mr. J. H. Gleeson; Captain Bell; Mr. C. Cardew; Ensign Mundy; Mr. W. J. Browne; Captain Chisholm; Captain Innes H. M. 30th Regt.; Mr. Baydon, steerage passenger, several children and servants. *For Madras*, Miss Corr; Lieutenant Jackson; Mr. Lindsay, and Mr. Elliott.

*Per Brobarnery, for London*—Mrs. Tennant, Mrs. J. Douglas, Mrs. Greeve and Mrs. Burridge; Lieut. Col. Trauant; John Douglas, Esq.; Capt. Greeve; J. O. Burridge, Esq. H. M. 16th Lancers; E. G. Swinton, Esq. H. M. 3d Dragoons; Ensign Dove-ton; Misses Ellen Mangles, Mary Mangles, Anderson, Martin, J. P. Taylor, J. H. Burridge, E. E. Burridge, M. A. Burridge, C. P. Smith, E. Smith, Greene, Greene, Jane Tennant, Louisa Tennant, Mary Tennant, R. A. Douglas, E. Douglas, E. N. Douglas, and L. V. Douglas; Masters James Martin, Jno. Martin, C. Martin, Chas. Lewis, H. S. Taylor, J. P. Smith, R. P. Smith, H. Elliot, Elliot, E. C. Tennant, J. B. Douglas, and C. G. Douglas.

*Per Bland*—Mrs. Abbott, Mrs. Ward, Mrs. Parker and Mrs. Robertson; Misses Atkinson and S. J. Atkinson; the Revd Mr. Proby; the Revd Mr. Chadwick; Capt. Abbott, Esquiers;

Capt. Parker, 55th N.I.; Dr. Clarkson, B. Service; Lieutenant Walker, 96th N.I.; Robert Douglas, P. Atkinson and T. Ostell Esqrs.; 7 Children and 4 Servants

*Per Robert Small*—Colonel and Mrs. Battine and 4 children; Mrs. C. R. Barwell and 3 children; Mr. and Mrs. Gough and 4 children; Mrs. Stanley Clarke and 5 children, Miss Goldsbury; S. O. Smith Esq, B.C.S.; F. C. Read, Esq. B.C.S.; Captain Biddulph, B.N.I.; Lieutenant Park, H. M. 52dth; W. F. Fraser Esq—Children—Miss and Master O'Dowda; 2 Misses Jackson; 1 Master Jackson and 1 Master Coombs—*For the Cape*—Mr. and Mrs. Horn.

*Per St. George, for Bristol*—Lady Mowatt and Child; Mrs. Dick and Child; Mrs. Curtis Mrs. Higginson and Child; Mrs. Pailles and 3 Children; the Right Hon'ble Sir C. F. Metcalfe, G.C.B.; W. F. Dick Esq. C.S.; Capt. Fisher, 48th N.I. and 3 Children; Capt. J. Hugginson, 55th N.I.; Lieut. French, H. M. 11th Dragoons; Dr. Spencer, Maclean and Tidmarsh, W. S.; D. O'Hare-Sombre, Esq.; J. Cooper, Esq.; Ensign G. S. Browne, 70th N.I.; Misses Caroline and Julia Lambert, and Master Jno. Lowe, and 10 Servants.

*Per Will Watch, for Penang and Singapore*—Mr. and Mrs. Court; Mr. and Mrs. Almeida, and Misses Low and Gale.

*Per Duke of Buccleugh*—Mrs. Fane and 2 Children; Mrs. Jackson and 1 Child; Mrs. W. Turner and 2 Children; Mrs. Warden and 4 Children; Mrs. He ring, Master James Robson, and Miss Ann Mary Wilson; Misses Fane and Lindsay; W. Fane, Esq. C.S.; Woodward, Esq. C. S.; Mrs. Jackson and Stokes; Capt. Herring, B.N.I.; P. Brown, Esq. H.M. 3d Regt; T. Smith, Esq. N.I.; Capt. Walter Warlen; J. H. Wagentraber, Esq., and Master Manghan

*Per Barone Cornwall, for London*—Mrs. MacLeod; Mrs. Burney; Mrs. Agnew; Mrs. Stewart; Mrs. Bell; P. W. MacLeod, G.S., Esq.; Col. Fairbairn; Col. F. Walker; Col. Barney; Col. Harris; Dr. Murray, A. S.; Lieut. Z. N. Mallock, B.A.; T. Bonnafie, Esq.; J. Toash, Esq.; C. R. Martin, C.S., Esq.; Mome, Auben; Miss Laurence, Miss B. H. three Masters Bayney and two Masters Agnew, and two European servants.

Passengers per *Bangurutti* in tow of the *Megae*, left Calcutta 2d March 1888:

## DOMESTIC OCCURRENCES.

## BIRTHS.

Nov. 13. At Pretow, near Cape Town, the lady of Capt. F. Milner, 36th regt B.N.I., of a daughter.

Jan. 2. At Meerut, the lady of Capt. Abbott, Artillery, of a son.

8. At Lucknow, the lady of Major Chas. R. W. Lane, commanding 2d Regt. N.I., of a son.

14. At Allahabad, the lady of Surg J. Johnstone, M.D., of a daughter.

18. At Monghyr, the wife of Mr. J. Thompson, conductor of ordinance invalid pension establishment, of a son.

21. At Meerut, the lady of H. T. Owen, Esq., C.S. of a son.

21. At Calcutta, Mrs. B. Barber, junior, of a daughter.

25. At Calcutta, the lady of Henry Chapman, Esq., of a son.

— At Chandernagore, the wife of Mr. A. S. Dapier, Supdt. of Nettiotta Factory, zilla Nuddes, of a daughter.

27. At Lucknow, the lady of Lieut. Col. J. Dow, of a son.

30. At Allahabad, Mrs. Husband, of a daughter.

— In Chowringhee, the lady of G. C. Plowden, Esq., C.S. of a son.

— At Kidderpore, the lady of Capt. W. Boothby, of a daughter.

Feb. 1. At Calcutta, the lady of Mr. Archibald (A. V.) of twin sons.

3. At Calcutta, the wife of Mr. Thomas Bartlett, Honorable Company's Marine, of a son.

— At Madras, the lady of W. R. White, Esq., Deputy Inspector General Hospitals, H. M. Troops, of a daughter.

— At Loodianah, the lady of Captain J. Halkett Craigie, 20th Regt. N.I. of a son.

3. At Calcutta, the lady of J. M. Manuk, Esq., of a daughter.

— At Calcutta, the wife of Captain McDougall, of the ship *Edmondstone*, of a daughter.

— At Calcutta, Mrs. G. Galloway, of a daughter.

— At Calcutta, the lady of J. Hodges, Esq., of a son.

4. At Calcutta, the lady of Mr. W. Holland, of a daughter.

— At Mhow, the lady of Lieut. Colonel John Tulloch, of a daughter.

5. At Gork's factory, zillah Pubna, the lady of J. C. M. Miller, Esq., third son of the late Major General J. O. Miller, of His Swedish Majesty's service, of a son

— At Dinapore, at the residence of her father, Mr. Superintendent Surgeon Marshall, Mrs. Cardew, relict of the late Lieutenant Cardew, Artillery, of a daughter.

6. At Kurnaul, the lady of Brevet Captain Stobelin, Interpreter to Her Majesty's 13th L. I., of a daughter.

7. At Benares, the lady of Mr. Walter Charles, firm of Tuttle and Charles, of a daughter.

— At Calcutta, Mrs. Samuel Smith, of a son.

10. At Serampore, the wife of Mr. James Chambers, of a son and heir.

12. At Calcutta, Mrs. Captain Charles Whiffen, of a daughter.

— A Chittagong, Mrs. A. R. Smith, of a son.

13. At Benares, the lady of Lieut. F. R. Ellis, 41st N.I., of a son.

14. At Chowringhee, the lady of H. T. Prinsap, Esq. of a son

— At Birdpore, Gorrookpore, the lady of Hugh Gibbon, Esq., of a son.

15. At Entally, Mrs. H. J. Lee, of a daughter.

— At Calcutta, Mrs. N. T. Boyeson, of a daughter.

— At Calcutta, Mrs. F. G. Stewart, of a son.

16. At Calcutta, the lady of the Rev. James Bowyer, of daughter.

18. At Howrah, the wife of Rev. J. D. Ellis, of a son.

— At Garden Reach, the lady of C. J. Richards, Esq., of a son.

19. At Kidderpore, Mrs. Charles Brownlow, of a son.

20. At Calcutta, the wife of Mr. Charles F. Cormore of a son.

31. At Calcutta, Mrs. Mary Carrie, the wife of Mr John Crie of Cossatolah, of a daughter.

— At Calcutta, Mrs. T. K. Crosby, of a daughter.

## MARRIAGES.

Jan. 8. At the Furness Roman Catholic Church, by the Rev. P. Flouion, Mr. Lawrence DeRozario, to Miss Mary Eliza Bonall.

— At the Furness Roman Catholic Church, by the Rev. P. Flouion, Mr. Charles DeRozario, Assistant to Mr. H. Buckland, at Chooleah Factory, to Miss Mary Sarah Bonall.

18. At Gwallor, by the Revd. L. C. Fernandes, Mr. P. V. Fernandes, to Mrs. Rosa Maria French.

21. At Dinapore, Lieut. George Parker, 715 Regt. N.I., to Miss Cecilia, youngest daughter of Supt. Surg. J. Marshall.

25. At the Scotch Kirk, by the Revd. James Charles, J. W. Carnegie, Esq., Interpreter and Quarter Master of the 15th. N.I. to Jane, daughter of the late David Scott, Esq., of the Civil Service.

26. At Agra, by the Revd. R. Chambers, Mr. F. Palmer to Miss Catharine John, eldest daughter of Mr. A. John, Merchant at Agra.

27. At Calcutta, in the principal Roman Catholic Church, by the Rev. Mr. J. H. Macarinhos, Henry Randolph, Esq., Merchant and Agent at Chittagong to Miss Clara Phillips.

— At Calcutta, at the Old Church by the Venerable the Archdeacon, Mr. John McLaughlin, Custom House Officer, to Miss Anne Paul.

— At Calcutta, Mr. John Kirk, of Messrs. W. Crump and Co's, to Miss Charlotte Louise King.

29. At Lucknow, by the Rev F. A. Dawson, M.A., Lieut. C. Camrouse, in H.M. the King of Oude's Service, to Miss Eleanor Hill.

30. At the Old Church, by the Venerable the Archdeacon, Mr. William John Twentyman, to Miss Sarah Montgomery.

— At Howrah Church, Capt. Thomas Viall, of Essex, Commander of the Barque *Sylph*, to Miss Charlotte Maria Hudson, the eldest daughter of Mr. C. Hudson.

— At the Cathedral, by the Venerable T. Deatly, D.C.L., the Hon'ble C. H. Cameron, Esq., to Julia Margaret, eldest daughter of James Pattie, Esq., B.C.S.

— At Lucknow, Major C. Hamilton, 22d regt., to Eleanor, eldest daughter of Brigadier Johnston, and widow of the late Cap. Nicholson.

Feb. 1. At Calcutta, by the Venerable Archdeacon Deatly, W. O. Gondeve, son of Mr. G. Gondeve, Bootmaker, Fenchurch Street, London, to Mrs. Mary Brgbie, relict, of the late Mr. Peter Brgbie, Boot-maker, Calcutta.

3. At the Principal Roman Catholic Church, by the Right Revd. Dr. St. Leger, Vicar Apostolic of Benzel, Jam-s Heiy, Esq., of Calcutta, to Mary Theresa, eldest daughter of the late Hyacinth Beguinet, Esq., of the Isle of France.

5. At the Roman Catholic Church, by the Right Revd. Dr. St. Leger, Vicar Apostolic of Bengal, Mr. F. Pinto, to Miss F. Ulrich, eldest daughter of the late John Drake Ulrich, Esq., of Chinsurah.

— At the Principal Roman Catholic Church, by the Right Revd. Dr. St. Leger, Vicar Apostolic of Bengal, Joaquim D. Almeida Esq., of Singapore, to Rose Maria, youngest daughter of Capt. W. Harrington.

6. At Mymensing, Mr. Thomas Jahans, Head Clerk, to Miss Eliza Pickett, eldest daughter of Mr. John Pickett, of Jampurce.

7. At Calcutta, at the principal Roman Catholic Church, by the Revd. Dr. Olliffe, Dorothea, daughter of S. G. Dubas, Esq. Indigo Planter, to P. P. Bennett, Esq., Indigo Planter.

10. At Calcutta, by the Revd. H. S. Fisher, Mr. J. H. Aynstep, to Miss Caroline Balas.

— At Calcutta, in the Armenian Church, by the Rev. Ter David Mackertich, Mr. Arraton Marroet, of the Naun Sauger Indigo Factory, to Mary, eldest daughter of the late Arraton Manuk David, Esq., of Calcutta.

14. At Serackpore, D. T. Timbas, Esq., Civil Service, to Mary Anne, eldest daughter of F. Todd, Esq., of Peckham, Surrey.

15. At St. John's Cathedral by the Rev. H. Fisher, Captain John Henry Simmonds, of the 55th regt. N. I., to Elizabeth Susannah, eldest daughter of Sir Robert Graham, Bart., of Esher, Cumberland.

17. At St. Andrew's Church, by the Revd. James Charles, Lieutenant James archibald Macdonald, of the Royal Navy, son of Colonel Macdonald of F. Inckenneth in Argylshire, to Martha, daughter of the late Sebastian Halford Greig, Esquire.

19. At Calcutta, at the Cathedral, by the Rev. H. Fisher, E. D. Barwell, of the Inner Temple, Esq., Barrister at Law, to Anna Maria Louise, eldest daughter of N.J. Halhed, Esq., B.C.S.

— At Calcutta, Mr. Peter Smith, to Miss Charlotte Ann James.

— At St. Andrew's Church, Calcutta, by the Rev. James Charles, senior Chaplain, Mr. G. H. Huttman, to Olivia, daughter of James Hirsburgh, Esq., of Firth, Roxburghshire, N.B.

## DEATHS.

Sept. 17. Europe — At Crakaig, Sutherlandshire, Henrietta Wemyss, the wife of Robert Innes, Esq., of Thrumator.

21. At Sea, on board the *Lotus*, Ensign C. F. Gordon, of the 19th Regiment Native Infantry.

Oct. 29. At Sea, on board the *Palmyra*, on her voyage to England, Capt. Thomas Medley, late of the 5th Regiment Madras Native Infantry.

Nov. 13. At Sea, on board the *Reliance*, Col. George Becher of the Bengal Cavalry.

Jan. 5. At Delhi, Sergeant Major John Pearson, of the 16th Native Infantry.

11. At Agra, Richard Meade, son of Lieut. C. Boulton, 47th Native Infantry, aged 10 months.

— At Sangoor, Central India, Helen Isabella, the infant daughter of Assistant Surgeon J. B. Dickson, 69th Regt. N.I., aged 4 months.

12. At Agra, of small-pox, Mr. Horn, in the Office of Agra Magazine.

13. At Singapore, John Collie, Esq., aged 32 years.

14. At Agra, of small-pox, the wife of Mr. Falkland, Assistant in the Agra Bank.

15. At Delhi, of consumption, Lieut. W. E. Rees, of Engineers.

22. At Guazepore, Mrs. S. P. Wharton widow of the late Lieut. Col. Wharton, 5th Bengal Light Cavalry.

— At Lucknow, the infant son of Major Chas. R. W. Lane Commanding 2d regt. N. I., aged 14 days.

27. At his house, in Chandernagore, as much regretted as he was deservedly respected by all who knew him, Nathw Raset, Esq., one of the oldest planters in Jessore. In fact one of those worthy men to whose enterprising industry and perseverance the lower strata of Bengal were originally indebted for the extension and improvement of the cultivation of Indigo.

— At sea, on board the *Cowasjee Family*, Thomas McKellar, Esq., of the firm of Gibson, McKellar, and Co., aged 30 years.

23. At Calcutta, Mrs. Anna Samuel, the mother of Mr. Joseph Samuel, of the Conservancy Department, aged 80 years.

30. At Calcutta, Mrs. Eliza Kieruan, aged 26 years and 7 months.

31. At Calcutta, Mr. Benjamin McMahon, of the Court of Requests aged 40 years.

— At Dacca, Mrs. C. O. DeSolminiac, wife of Mons. B. F. E. DeSolminiac, aged 36 years.

5. At Calcutta, Mr. John Gill, Assistant to Messrs. Balie and Mollo, aged 80 years, 4 months and 5 days.

7. At Calcutta, Mr. Thomas Hampson, Assistant Sudder Board of Revenue, aged 35 years.

8. At Calcutta, Mrs. Helen Anne Grote, lady of Arthur Finy Grote, Esq., C.S., aged 18 years and 7 months.

5. At Dhooly, Tirhoot, Charles Latchman Curry, the infant son of G. Mackinnon, Esq. aged 1 year and 18 days.

# GENERAL REGISTER.

12. At Calcutta, Mr. F. D'Crux, aged 60 years.  
 — At Bhangulpore, Mr. Charles Bidge, aged 35 years, after a lingering and painful illness.  
 13. At Calcutta, Mr. Joseph Lucas, aged 55 years.  
 15. At Calcutta, Mrs. Margaret Howe, relict of the late H. G. A. Howe, Esq.  
 14. At Calcutta, Mrs. Clarissa Cripps, widow of Mrs. C. Cripps, H. C. Marine, aged 29 years, 2 months and 21 days  
 19. At Calcutta, John Mitchell Todd, Esq., Surgeon, 10th Regt. B. N. I., aged 40 years.

22. At Calcutta, Adeline, the third daughter of Claude Queiroz, Esq., aged 3 years, 5 months and 25 day.  
 — At Calcutta, the infant child of Mr. and Mrs J. E. Gomes.  
 23. John McLeod, the infant son of J. Hawkins, Esq. C. S. Lately on his passage from India, to England, Captain Peter, Gray, of the 57th Foot, A worthy upright honorable Gentleman, and by his death H.M. Service has lost an intelligent excellent Officer.  
 EUNDS.—At Birmingham, in November last, George Ballard, Esq., late of Calcutta.

## ADMINISTRATIONS TO ESTATES.

### ESTATES OF

### EXECUTORS, ADMINISTRATORS.

Browne, R. A.....	<i>Registrar Supreme Court.</i>
Durgadas Dutt.....	<i>Ramurangine Dasi, Widow.</i>
Lonsdale, G. O., Lieutenant 3d Regiment of Foot.....	<i>William Ainslie, Esq.</i>
Morison, William.....	<i>William Speth and James Church.</i>
Tewary Sree Crustnaje, Arjoon Nathjee Soomphul.....	<i>Ranee Bow, Widow.</i>
McCowan, L. J.....	<i>Registrar Supreme Court.</i>
Mouat, Sir James, Bt.....	<i>Sir George Mouat, Bt.</i>
Ramgopal Mullick.....	<i>Registrar Supreme Court.</i>
Reld, A. ....	<i>Registrar Supreme Court.</i>
Canning, Francis. ....	<i>Registrar Supreme Court.</i>
Dumoulin, James.....	<i>Charles Porte.</i>
Keating, Arthur Sanders.....	<i>Registrar Supreme Court</i>
Ramnarain Chatterjee. ....	<i>Registrar Supreme Court.</i>
Gillespie, Augustina. ....	<i>Mr. Thomas Gregory.</i>
McKellar, Thomas. ....	<i>William Greenaway.</i>
McMahon, Benjamin.....	<i>Registrar Supreme Court.</i>

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 HARE - STREET.

## GOVERNMENT NOTIFICATIONS.

&amp;c.

&amp;c.

&amp;c.

**FORT WILLIAM, LEGISLATIVE DEPARTMENT, THE 12TH MARCH, 1833.**  
—The following draft of a proposed act was read in council for the first time on the 12th March 1833.

It is hereby enacted, that from the day of it shall be competent to the session judges within the presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine in compensation to the party who may have been injured; in like manner as it is competent to magistrates to award fines, under clause 1st, section XIII. regulation XII. of 1837, of the Bombay code.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the legislative council of India after the 24th day of April next.

The following draft of a proposed act was read in council for the first time on the 12th March, 1833.

ACT No. — OF 1833.

It is hereby enacted, that regulation X. 1817, of the Bengal code, shall be repealed.

II. It is hereby enacted, that the functionaries who are or may be appointed in the province of Kurnool, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut at Allahabad, in criminal cases of the Court of Nizamut Adawlut at Allahabad, and in revenue cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the Government of the north western provinces of the presidency of Fort William.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the Legislative Council of India after the 24th day of April next.

**Fort William, Legislative Department, the 19th March, 1833.**  
—The following Act is passed by the Hon. the President of the Council of India in Council, on the 19th March 1833, with assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for information.

ACT No. VI OF 1833.

It is hereby enacted, that whenever the Governor in Council of the Presidency of Bombay shall appoint, or shall have appointed, a commission to inquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council to authorize such commission to summon witnesses before it, and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the criminal courts of that presidency to do; and that any witness shall be guilty of perjury, who shall give such evidence before such commission, so authorized, as if given before a court of justice, would render such witness guilty of perjury.

The following draft of proposed act was read in council for the first time on the 19th March 1833.

ACT No. — OF 1833.

I. It is hereby enacted, that section XV. regulation XIX. 1814 of the Bengal code, be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue, with the sanction of the Governor of Bengal, to fix the remuneration of a meen, or other person employed to effect a partition of an estate under the regulations enacted for that purpose, and to cause the same to be levied from the parties concerned in the same manner as an arrear of Revenue, at such periods, and in such proportions, as the said Board may think fit.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be reconsidered at the first meeting of the Legislative Council of India after the 8th day of May next.

ROSS D. MANGLES,  
Off. Secy. to the Govt. of India.

**GENERAL DEPARTMENT, THE 28TH FEBRUARY, 1833.**—The Hon'ble the president in council is pleased to attach to the Bengal presidency, Mr. M. B. Thornhill, writer, reported qualified for the public service.

**THE 26TH FEBRUARY, 1833.**—The following gentlemen of the civil service, employed in the north western provinces, embarked on board the ship *Duke of Buccleugh*, which vessel was left by the pilot at sea on the 24th instant:

Mr. William Fane for the Cape of Good Hope.

Mr. Richard Woodward for England.

Mr. R. B. Thornhill, writer is reported qualified for the public service by proficiency in two of the native languages.

**FORT WILLIAM, GENERAL DEPARTMENT, THE 12TH MARCH, 1833** — The Honorable Sir Charles Theophilus Metcalfe, Bt. G. C. B., having tendered to the Right Hon the Governor General of India his resignation of the office of Lieutenant Governor of the north western provinces, from the date when the ship *St. George* on which His Honor embarked was left by the pilot at sea, viz. the 17th ultimo, the Right Hon. the Governor General has suggested and the Hon. the President in Council concurs in the opinion that the time is arrived for paying a parting tribute of applause to the public services of that distinguished officer.

It would be superfluous to enter into an enumeration of the several situations filled by one so long and so well known to the Indian community. It is sufficient to state that at a very early period of his service, he was selected on account of his merits alone for the discharge of the most important and difficult duties; that the mode in which he acquitted himself of such trusts, amply justified the implicit confidence reposed in him by Government, and that by a long and uninterrupted career of zealous, able and honorable exertions he attained the highest office in the state, and was honored by a conspicuous token of the favor of his sovereign.

By order of the Hon. the President of the Council of India in council.

**FORT WILLIAM, GENERAL DEPARTMENT, THE 14TH MARCH, 1833.**—Mr. Thomas Parry Woodcock, of the civil service, employed at Kool under the Lieutenant Governor north western provinces, proceeding on furlough to England via Bombay and Suez, embarked from Bombay on board the Honourable Company's steamer *Atalanta* on the 1st instant.

**FORT WILLIAM, GENERAL DEPARTMENT, THE 17TH MARCH, 1833.**—Notice is hereby given, that the Right Hon'ble the Governor General of India has fixed the 25th of April and the 17th of May, as the dates for the despatch of packet steamers from Bombay for Suez in those months respectively. The Governor General has further instructed the Government of Bombay to despatch the *Semiramis* steamer, which is shortly expected to arrive there from England on the voyage to be made on the 25th of April next, and to order this vessel on return to make the voyage from Suez by Point de Galle to Madras and Calcutta, in order that she may be employed in an experimental voyage from this side of India during the season when the voyage from Bombay is impracticable. The Governor General in directing this arrangement has left the direct voyage of the *Semiramis* to Calcutta, dependant in same degree upon the Bombay Government being able to make provision for the transfer of packets and passengers for Bombay to another vessel either at Socotra or at some other point near the mouth of the Red Sea. The President in Council in order to forward the arrangement and remove this ground of uncertainty, has further suggested to the Government of Bombay to send a Government Cruiser, or some other proper sailing vessel, to meet the *Semiramis* steamer at the point stated, in order to receive the Bombay packets and passengers and allow the *Semiramis* to proceed on the direct voyage to Calcutta.

**FORT WILLIAM, GENERAL DEPARTMENT, THE 10TH MARCH, 1833.**—The Hon. the Court of Directors having appointed Andrew Amos, Esq., to be fourth ordinary member of the council of India, and the Honorable Andrew Amos, Esq. having arrived at this presidency in the ship *Roberts*, the said Andrew Amos, Esq., has accordingly this day taken the oath and his seat as fourth ordinary member of the council of India under the usual salute from the ramparts of Fort William.

**PORT WILLIAM GENERAL DEPARTMENT, WEDNESDAY, THE 21st OF MARCH, 1839.**—The Hon. the Court of Directors having appointed William Wilberforce Bird, Esq., to be a member of the council of India, to succeed provisionally in the event a vacancy occurring during the absence of T. C. Robertson, Esq., and a vacancy having so occurred by the death of the Hon. Henry Shakespear, Esq., the said William Wilberforce Bird, Esq., has this day taken the oath and has acted as third ordinary member of the council of India, under a salute from the ramparts of Port William.

Published by order of the Hon. the President of the Council of India in Council.

**PORT WILLIAM GENERAL DEPARTMENT, THE 21st MARCH, 1839.**—Mr. W. L. M. Toome, of the civil service, reported his return to this presidency from England on the 15th instant.

The leave granted under the orders of Government of 21st December last, to Mr. Henry Walters, of the civil service, to proceed to Europe on furlough, has been cancelled at his own request.

**Messrs. A. Ross, H. Vansittart and W. Muir, writers,** are reported qualified for the public service by proficiency in two of the native languages.

**SEPARATE DEPARTMENT.**—Mr. J. Campbell, first assistant to the collector of customs at Calcutta, is permitted to be absent from his office for a period of one month, from the 1st proximo, on private affairs.

**GENERAL DEPARTMENT, THE 21st MARCH, 1839.**—The Hon. the President in Council is pleased to attach Messrs. A. Ross, H. Vansittart and W. Muir, writers, reported qualified for the public service, the former to the Bengal presidency and the latter to the north western provinces.

**Port William, Financial Department, the 21st March, 1839.**—The Honorable the President in Council gives notice, that the Mint Master at Calcutta has been authorized to receive, until further orders, Madras Rupees of full weight at their intrinsic par, viz. as equal to Company's rupees, without any charge of seigniorage for recoinage.

By order of the Hon. the President in Council,

H. T. PRINSEP, Secy. to the Govt. of India.

#### BY THE GOVERNOR GENERAL.

**ECCLIASTICAL DEPARTMENT.**—The Revd. J. C. Proby, chaplain on the Bengal establishment, embarked for England on board the ship *Blad*, which ship was left by the pilot at sea on the 6th instant.

**JUDICIAL, REVENUE AND GENERAL DEPARTMENT, CAMP, MEERUT, THE 5th FEBRUARY 1839.**—Mr. H. Armstrong is appointed to officiate as judge of zillah Etawah.

Mr. E. H. C. Monckton is appointed to officiate as magistrate and collector of Futtehpore, during the absence of Mr. H. Armstrong at Etawah, or till further orders.

Mr. G. D. Raikes is appointed to be an assistant under the commissioner of the Allahabad division.

**CAMP, MEERUT, THE 6th FEBRUARY, 1839.**—On the 24th ultimo, Mr. W. Ewer, judge of the court of Sadder Dewanny and Nizamut Adawlut, obtained leave of absence from the 6th instant to the 16th October next, in extension of the leave granted him on the 6th February 1839, on medical certificate, to proceed to the hills.

The Honorable the Deputy Governor of Bengal is pleased to grant to Mr. J. W. Salmond, resident councillor at Prince of Wales Island, an extension of the leave granted him under date the 11th October last, to the 6th April next, to enable him to join his station.

The unexpired portion of the leave of absence granted to Mr. R. C. Skinner, officiating magistrate of Mynpooring, has been cancelled from the 16th instant, the date on which he assumed charge of his appointment.

The unexpired portion of the leave of absence granted to Mr. J. Lamb, assistant surgeon of Malda, is cancelled from the 19th instant, the date on which he rejoined his station.

**Judicial, Revenue and General Department, Camp, Meerut, the 6th February, 1839.**—Khajeh Uleem Gollah is appointed to be deputy collector under regulation IX. of 1838, in zillah Azimgur.

**JUDICIAL, REVENUE AND GENERAL DEPARTMENT.**—*Camp, Furrucknagar, the 15th February, 1839.*—Mr. J. Lean quitted the limits of the N. W. P. in progress to Europe via Bombay on the 1st instant, in conformity with the permission granted him on the 12th August 1837, by the Hon. the Lieutenant Governor, to proceed to England on furlough.

*Camp, Delhi, the 16th February, 1839.*—The leave of absence granted to Mr. J. T. Rivaz, judge of Futtehpore under orders, dated the 27th ultimo, on urgent private affairs, is to commence from the 1st March next, instead of the 15th of the current month.

Mr. J. Kinloch, joint magistrate and deputy collector of Mynpooring is permitted to be absent from his station for one month, on his private affairs, from the date of his relinquishing charge of his duties.

Mr. J. McGarrett, civil assistant surgeon of Meerut, has obtained leave of absence from the 1st proximo to the 1st December next, to visit the hills, on medical certificate.

Mr. C. T. Le Mas, assistant under the Commissioner of the Agra division, has obtained leave of absence for one month, to visit Almorah, on his private affairs.

*Camp, Delhi, the 17th February, 1839.*—The Rev. Mr. W. Palmer, Chaplain of Nusserabad is placed at the disposal of the Hon. the Deputy Governor of Bengal.

*Feb. 17.*—The Rev. Mr. A. Hammond is appointed to be chaplain of Ghazepore.

The Rev. Mr. Etson is appointed to be assistant chaplain of Cawnpore.

The Rev. Mr. Brooke is appointed to officiate as chaplain of Mhow.

*22d Feb.*—Mr. J. J. W. Taunton is appointed to be magistrate and collector of Humecpore, from the 29th ultimo.

Mr. G. P. Thompson is appointed to officiate as judge of Goruckpore, during the absence of Mr. Jackson, or till further orders, and directed to retain charge of his present appointment of special commissioner under act III. of 1835, in addition to the above.

In consequence of the certified illness of Mr. R. C. Glyn and the heavy press of business now pending in the sessions court in his jurisdiction, Mr. M. J. Tierney is appointed to officiate as judge at Meerut till Mr. Glyn is able to resume charge of his office, or till further orders.

Mr. H. M. Alexander will officiate as magistrate and collector of Boolandshuhur during Mr. Tierney's absence.

Mr. J. Neave is appointed to try the commitments at Boolandshuhur.

Mr. H. W. Deane is appointed to officiate as magistrate and collector of Moozuffurnagur, during Mr. Crawford's absence on leave, or till further orders.

Mr. G. Paton, M. D., officiating civil assistant surgeon of Allypore, is appointed to be civil assistant surgeon at that station.

*Camp, Aileepore, the 24th February, 1839.*—Mr. W. B. Jackson, judge of Goruckpore, has obtained leave of absence for one month in extension of the leave granted under orders dated 21st ultimo.

Mr. W. Crawford, magistrate and collector of Moozuffurnagur, has obtained leave of absence for six months, on medical certificate.

The following officers have obtained leave of absence from their stations.

Mr. A. Dick, civil and session judge of Midnapore, for one month, on private affairs. Mr. T. C. Trotter will conduct the current duties of that office during Mr. Dick's absence.

Mr. F. Gouldsbury civil and session judge of West Burdwan for six days, in addition to the leave granted to him on the 16th ultimo.

Mr. H. Atherton, exercising the powers of joint magistrate and deputy collector in zillah Midnapore, for one month, on medical certificate, from the 14th instant. Mr. A. Grate will exercise those powers in Mr. Atherton's absence, or until further orders.

Moulavee Mohomed Khorshed Sadder Ameen in Moorsbedabad, during the ensuing Mohurram vacation.

Baboo Lakhmeerain Nylunkar, Sadder Ameen in Faruckah, for ten days, beyond the period of the ensuing Mohurram vacation.

Mr. G. D. Raikes appointed an assistant under the commissioner of the Allahabad division, under date the 6th instant, has been permitted to remain at the presidency for one month, from the 31st January last.

*Camp, Delhi, the 22d February, 1839.*—Mr. W. H. DeGrueth is appointed to be deputy collector under regulation IX. of 1833 in zillah Furruckabad.

**JUDICIAL AND REVENUE DEPARTMENT, THE 27th FEB. 1839.**—The Honorable the Deputy Governor of Bengal is pleased to make the following appointments:

Mr. W. H. Tydd to be deputy collector under regulation IX. of 1833, in Midnapore and Hidgelee.

Mr. E. W. Pitt to be do, do under do in do and do.

The following officers have obtained leave of absence from their stations:

# GENERAL REGISTER.

Mr. W. Cracroft, officiating civil and session judge of the 24 Pergunnahs, for fourteen days, on medical certificate.—Mr R. Torrens will conduct the duties during Mr. Cracroft's absence.

Mr. C. J. H. Graham, officiating magistrate and collector of Rajeshahy, and in charge of the judge's office, for one month, on medical certificate, to proceed to the presidency, preparatory to his applying to go to sea.

Lieutenant J. W. Fraser, superintendent of the Cuttack survey, from the 10th March till the 10th May next, on medical certificate.

Mr. H. J. Thornton, assistant surgeon of Pubna, for one month, on private affairs.

JUDICIAL, REVENUE AND GENERAL DEPARTMENT, CAMP, PANDEPUT, THE 28TH FEBRUARY, 1838.—Mr. G. P. Thompson to be judge of Gorakhpore. Mr. Thompson will continue to exercise his functions as a special commissioner under act III of 1835.

Mr. R. Montgomery to be joint magistrate and deputy collector of Benares, from the 1st instant. Mr. Montgomery will continue to officiate, till further orders, as magistrate and collector of Allahabad.

JUDICIAL, REVENUE AND GENERAL DEPARTMENT, CAMP, PANDEPUT, THE 28TH FEBRUARY, 1838.—Mr. Civil Assistant Surgeon A. Dentie to be post master at Allahabad.

Mr. Civil Assistant Surgeon W. Gordon, M. D., to be post master at Mirzapore.

Mr. Civil Assistant Surgeon G. Paton, M. D., to be post master at Allypurb.

Mr. Civil Assistant Surgeon J. Goss to be post master at Futtighurb.

Mr. Civil Assistant Surgeon J. Jackson to be post master at Ghazepore.

Mr. Civil Assistant Surgeon J. B. Dickson, in charge of civil medical duties, to officiate as post master at Saugor.

Brigade Major Captain H. Hay, to be post master at Bareilly. Lieut. and Adjutant J. Skinner, 1st local horse, to be post master at Hansi.

Camp, Gorunda, the 1st March, 1838.—Mr. R. C. Glyn, Judge of Meerut, has obtained leave of absence for six months from the 1st April next, on medical certificate, for the purpose of visiting the hills north of Dehra. Mr. Glyn will retain charge of his office till that date, and consequently the appointment of Mr. Tierney, under orders of 22d ultimo, to officiate as Judge of Meerut, is cancelled.

Mr. W. Dent, civil and session judge of Shahabad, for four days, in extension of the leave granted to him on the 16th January last, to enable him to rejoin his station.

Judicial, Revenue and General Department—Camp, Kurnaul, the 6th March, 1838.—Mr. T. J. Turner to be commissioner of the Agra Division. Mr. Turner will continue to officiate as a member of the Sudder Board of Revenue till further orders.

Mr. R. Lowther to be commissioner of the Allahabad division.

ERRATUM—JUDICIAL, REVENUE AND GENERAL DEPARTMENT, CAMP, KURNAIL, THE 6TH MARCH, 1838.—In the notification, under date the 31st January last of the date on which Mr. C. Allen quitted the limits of the north western provinces, in progress to Bombay, for "the 4th January, 1838," read "the 17th January 1838."

Camp, Kurnaul, the 7th March, 1838.—Captain T. D. Carpenter, superintendent of the ex-Rajah of Coorg, is appointed to exercise the powers of a joint magistrate and deputy collector of Benares.

Camp Naraingura, the 7th March, 1838.—The following officers have obtained leave of absence:

Mr. W. S. Donithorne, officiating magistrate and collector of Banda, for twelve months, on medical certificate, to proceed to the hills. Mr. Donithorne has been authorized to make over charge of the offices of magistrate and collector of Banda to Mr. W. P. Masson, joint magistrate and deputy collector.

Mr. C. W. Kinloch, deputy collector for the investigation of rent-free tenures at Mynpooree, from the 20th March to the 5th November next, on medical certificate, to visit the hills north of Dehra. Mr. Kinloch has been authorized to make over charge of his office to the collector, till further orders.

Cornet C. G. Fagan, assistant to the agent and the commissioner in the Saugor and Nerbudda territories, has been permitted to resign his appointment from the 6th February last.

Mahommed Yoosuf is transferred in his present capacity of sudder ameen and law officer from Cawnpore to Jounpore, and Moosvee Khudim Hoossein Khan, Sudder ameen and law officer at Jounpore, removed to Cawnpore.

Mr. T. R. Davidson, commissioner of revenue of the 11th or Patna division, has reported his departure from Bengal for the

Cape of Good Hope on board the ship *Marion*, which vessel was left by the pilot on the 23d instant.

CAMP, SAHARUNPOOR, THE 10TH MARCH, 1838.—The date of the commencement of the leave of absence, on medical certificate, granted under orders of the 1st instant, to Mr. R. C. Glyn, Judge of Meerut, is altered from the 1st to the 15th April next.

Captain C. Thoresby, superintendent of the Chuttee territory, has obtained leave of absence on account of the state of his health, from the 2d April to the 15th November next, for the purpose of visiting Mussooree.

Lieutenant D. Ross, assistant to the resident at Gwalior, is appointed to officiate as Superintendent of the Chuttee territory, during the absence of Captain Thoresby, or till further orders.

Judicial, Revenue and General Department, Camp, Saharunpoor, the 13th March, 1838.—Mr. G. T. Lushington to be magistrate and collector of Etawah, from the date on which Mr. S. G. Smith vacated the appointment. Mr. Lushington will continue to officiate as magistrate and collector at Bareilly till further orders.

Mr. G. F. Harvey to be magistrate and collector of Allypurb, from the date on Mr. T. P. Woodcock may vacate the appointment.

Mr. E. H. Morland to be civil auditor, north western provinces, in succession to Mr. G. F. Harvey.

Mr. M. R. Gubbins to be joint magistrate and deputy collector of Allahabad. Mr. Gubbins will continue to officiate with the powers of a joint magistrate and deputy collector in charge of the Ferozepore pergunnahs of the Goorgoon district, till further orders.

Mr. W. H. Benson to officiate as judge of meerut during Mr. Glyn's absence on leave, or till further orders.

Mr. O. T. Lushington to officiate as magistrate and collector of Bareilly during the absence of Mr. Benson, or till further orders.

The following officers have obtained leave of absence from their stations:

Mr. G. C. Cheap, civil and session judge of Shahabad, for three days, in addition to that granted to him on the 3d ultimo.

Mr. J. T. Mellis, officiating joint magistrate and deputy collector of Bardwan, for one month, on medical certificate.

JUDICIAL AND REVENUE DEPARTMENT, THE 13TH MARCH, 1838.—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. C. T. Davidson to be magistrate and collector of Purneah, but will continue to officiate as joint magistrate and deputy collector of Noacolly till further orders.

Mr. C. Martin to be deputy collector under regulation IX. of 1833, in zillah Midnapore.

JUDICIAL AND REVENUE DEPARTMENT. THE 10TH MARCH, 1838.—The following officers have obtained leave of absence from their stations:

Mr. W. M. Dirom, joint magistrate and deputy collector of Rajeshahy, for one month, in addition to that granted to him on the 20th ultimo, to proceed to Singapore, on private affairs.

Kazi Moolvie Mahmood Faiz, the principal sudder ameen of Beethoom, from the commencement of the ensuing Mohurrem vacation, and for seventeen days bey and it, on private affairs.

Bahoo Hurreynorain Ghose, 1st principal sudder ameen, and Bahoo Byejnath Sein, 2d principal sudder ameen, and Moolvie Yahomeda Kulicem, sudder ameen of Jessore, during the ensuing Mohurrem vacation.

Mr. C. J. H. Graham joint magistrate and deputy collector in Rajeshahy, has been permitted to proceed to the Cape of Good Hope, for two years, on medical certificate.

THE 10TH MARCH, 1838.—Mr. F. A. Lushington, assistant to the magistrate and collector of Rajeshahy, an extension of leave of absence, to enable him to join his station by the next steamer which will leave Calcutta on or about the 24th instant.

Mr. F. Currie commissioner of the Benares division has obtained leave of absence for ten days, in extension of the leave granted under date the 23d November last.

The unexpired portion of the leave of absence granted to Mr. C. W. Briezack, senior commissioner of the Court of Requests, on the 12th August last, on medical certificate, for eight months, is cancelled at his request, from the 1st proximo, the date on which he purposes to resume charge of his office.

The leave of absence for fifteen days granted to Mr. F. O. Well, accountant N. W. P. on the 31st ultimo, is cancelled at the request of that officer.

THE 20TH MARCH, 1838.—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. W. P. Goad to be special deputy collector in zillah Mymaning and Dacca, vice Mr. M. W. Carruthers deceased.

Mr. J. Staniforth to be special deputy collector of Rajeshahye, Disangore, Rungpore, Bogra and Pubna, vice Mr. Goad.

Mr. G. U. Yale to officiate as special deputy collector of Mymensing and Dacca during the absence of Mr. Goad, or until further orders.

Mr. Onslow to be a joint magistrate and deputy collector in Behar.

Mr. C. J. R. Graham to be a ditto ditto in Rajeshahye.

Mr. F. B. Kemp to be a ditto ditto in Tipperah.

Mr. J. Wheeler has been authorized to exercise the powers of a joint magistrate and deputy collector at Pubna, vice Mr. Yale, and has likewise been directed to complete the special duty which was assigned to Mr. Yale on the 2d January 1837.

**THE 22d MARCH, 1838.**—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. Assistant Surgeon James Anderson, M. D., to perform the medical duties of the civil station of Beerbhoom, vice Mr. Assistant Surgeon G. Rae.

Mr. Henry Vansittart to be an assistant under the commissioner of the 12th or Bhawalpore division.

**Judicial and Revenue Department, the 27th March, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. A. Ross to be an assistant to the Register of the Court of Sudder Dewanny and Nizamat Adawlut.

Mr. H. Atherton to officiate as joint magistrate and deputy collector at Rajeshahy during the absence of Mr. Dixon or until further orders.

**The 30th March, 1838.**—Mr. Charles Francis, deputy collector of Calcutta, for three months, to proceed to Singapore on medical certificate. Mr. Wale Byrn will officiate as deputy collector during Mr. Francis' absence or until further orders.

Raj Doorgaannarain Roy, 1st principal sudder ameen of West Burdwan, for twenty days, in addition to the period of the Mohurrem vacation.

Moulvie Mahomed Rafig, acting sudder ameen of Moughyr for the period of the Mohurrem vacation.

Captain M. Smith, principal assistant to the commissioner in the district of Saugor, for nine months, on medical certificate, to proceed to Sea from Bombay and eventually to Calcutta. Lieutenant R. W. C. Doonan will officiate as principal assistant at Saugor till further orders.

Mr. M. S. Tierney, magistrate and collector of Boolundahur for the 1st April to the 1st December next, for the purpose of visiting the hills North of Dehra, on medical certificate.

**POLITICAL DEPARTMENT, CAMP, AT MEERUT, THE 12TH FEB. 1838.**—Lieutenant Colonel J. Stewart delivered over charge of the seidency at Hyderabad to Major Cameron, on the 1st instant.

Mr. Assistant Surgeon H. M. Felix, of the Madras Establishment, is placed at the disposal of the officiating resident at Hyderabad, for employment in the Army of His Highness the Nizam.

**POLITICAL DEPARTMENT, CAMP AT PURROCKNUGGUR, THE 15TH FEB. 1838.**—The Right Hon'ble the Governor General has been pleased to appoint Lieutenant A. C. Rainey, of the 25th regiment native infantry, to officiate as an assistant to the political agent at Subathu, during the present season, or until further orders.

**POLITICAL DEPARTMENT, CAMP, AT SOMALKA, THE 27TH FEBRUARY, 1838.**—The Honourable H. B. Devereaux, officiating assistant to the commissioner for the government of the territories of His Highness the Rajah of Mysore, has obtained five months' leave of absence to proceed to sea, on sick certificate.

**FORT WILLIAM, POLITICAL DEPARTMENT, 14TH MARCH, 1838.**—Lieutenant C. H. Thomas, an assistant to the general superintendent of the operations for the suppression of thuggee, having returned to his duties on the 18th February, his leave of absence from that date to the 1st of April next, has been cancelled.

Captain N. Lewis, an assistant to the general superintendent of the operations for the suppression of thuggee, has obtained leave of absence from the 29th instant, to visit the presidency, with a view to applying for leave to proceed to sea, on medical certificate.

Lieutenant Colonel Burney, resident at Ava, reported his departure from Bengal on board the barque *Cornwall*, which vessel was left at sea by the pilot on the 8th instant.

By order of the Right Hon. the Governor General of India,  
W. H. MACNAGHTEN,

Secy. to the Govt. of India with the Govr. Genl.

**GENERAL DEPARTMENT, THE 10TH MARCH, 1838.**—An express having been this day received from the Government of Bombay, from which it appears that the repairs of the piston, cylinder, &c. of the engines of the "*Berenice*" steamer are not expected

to be completed in time to allow that vessel to start for *84000* from Bombay by the 26th March, the day fixed by the Right Hon. the Governor General for her despatch, her departure has been postponed at the suggestion of the Right Hon. the Governor in Council at Bombay to the 13th March. In modification therefore of the Notice issued from this department on the 17th ultimo, the Hon. the President in Council gives notice that the despatches and letters from the stations of this presidency must be forwarded so as to reach Bombay on or before 28th instant.

H. T. PRINSEP, Secy. to Govt.

**LEGISLATIVE DEPARTMENT, THE 5TH MARCH, 1838.**—The following draft of a proposed act was read in council for the first time on the 5th March, 1838:

ACT No. — of 1838.

I. It is hereby enacted, that from the day of the following rates of toll shall be levied in the Company's currency at the toll-gate of the Bhore-ghaut, on palanquins and laden bullocks, both in going and returning:

On every palanquin..... 1 rupee.  
On every laden bullock..... 6 ps.

II. And it is hereby enacted, that from the said day, all the provisions of act No. 11. of 1837, of the Governor General of India in Council, shall be applicable to palanquins and laden bullocks, and the tolls to be levied thereon, as if they had been inserted among the rates of tolls contained in section II. of that act.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be reconsidered at the first meeting of the Legislative Council after the seventeenth day of April next.

**LEGISLATIVE DEPARTMENT, THE 5TH MARCH, 1838.**—The following draft of a proposed act was read in council for the first time on the 5th March, 1838:

It is hereby enacted, that it shall be lawful for a judge of any zillah or city court within the territories subject to the presidency of Fort William in Bengal, to exercise the powers vested in a single judge of the Sudder Dewanny Adawlut, by clause 3, section 11., regulation IX. of 1838 of the Bengal code.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be reconsidered at the first meeting of the Legislative Council of India after the 17th day of April next.

**LEGISLATIVE DEPARTMENT, THE 5TH MARCH, 1837.**—In consequence of a misprint in the copy of act No. XXIX. of 1837, published in the Calcutta Gazette, (the word "dispose" being there printed for "dispende") the act is now republished in a correct form.

**LEGISLATIVE DEPARTMENT, 30TH NOVEMBER, 1837.**—The following act is passed by the Hon. the President of the Council of India in Council, on the 30th November 1837, with the assent of the Right Hon. the Governor General of India, which has been read and recorded. Ordered, that the act be promulgated for general information.

ACT No. XXIX of 1836.

It is hereby enacted, that from the first day of December 1837, it shall be lawful for the Governor General of India in Council, by an order in council, to dispense, either generally, or within such local limits as may to him seem meet, with any provision of any regulation of the Bengal code which enjoins the use of the Persian language in any Judicial proceeding, or in any proceeding relating to the revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor General of India in Council, by an order in council, to delegate all or any of the powers given to him by this act, to any subordinate authority, under such restrictions as may to the said Governor General of India in Council seem meet.

ROSS D. WANGLES,  
Offy. Secy. to the Govt. of India.

**JUDICIAL AND REVENUE DEPARTMENT, THE 27TH FEBRUARY, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointment:

Baboo Jyogpaul Banerjee to be Deputy Collector in the 24-Pergunnahs under the provisions of regulation IX. of 1833.

**THE 6TH MARCH, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments: Mr. R. B. Thornhill to be an assistant under the Commissioner of the 18th or Jessore division.

Mr. C. P. Signer to be Deputy collector in Midnapore under regulation IX. of 1833.

Sheik Looft Ally Khan Behadoor to be do. do., in Behar under do.

MILITARY.

BY THE COMMANDER IN CHIEF.

FINANCIAL DEPARTMENT, THE 7TH MARCH, 1838.—Mr. J. H. Atwell is confirmed in the appointment of senior Member of the Hon. Company's financial agency at Canton, from the date of Mr. Jackson's resignation, viz. 18th November 1836.

Mr. H. M. Clarke is confirmed in the appointment of Second Member of the Hon. Company's financial agency at Canton, from the 18th November 1836.

POLITICAL DEPARTMENT, CAMP AT PANEHPOT, THE 28TH FEB 1838. Lieut. and Brevet Captain H. Huddleston, of the 7th regiment N. I., is appointed to officiate as an assistant to the Commissioner in Kumaon during Lieutenant A. Ramsay's absence, on medical certificate.

POLITICAL DEPARTMENT, CAMP, AT PANEHPOT, THE 28TH FEBRUARY 1838.—Mr. J. Davidson is appointed to officiate as agent to the Governor General at Bareilly.

The following officers have obtained leave of absence from their stations :

Mr. E. Bentall, magistrate and Collector of Dinapore, for one month, on private affairs.—Mr. R. Hampton will officiate during Mr. Bentall's absence.

Mr. A. Jackson Principal Sudder Ameen of Dinapore, stationed at Malda, during the ensuing Mohurram vacation.

Moulavee Fattah Ullee Khan Principal Sudder Ameen ; Moulavee Neamut Ullee additional Principal Sudder Ameen and Moulavee Ashruff Hoosain, Sudder Ameen in zillah Behar, during the ensuing Mohurram vacation.

THE 9TH MARCH, 1838.—Captain J. Drummond, commanding the Khoordah Pak Company, for eleven months, on medical certificate, from the 1st March 1838 to the 1st February 1839, to visit the Himalaya Mountains.

Mr. T. Hugon, sub-assistant to the commissioner of Assam, for ten months, to proceed to sea on medical certificate, from the date of the sailing of the ship on which he may taken his passage.

THE 2D MARCH, 1838.—The following officers have obtained leave of absence from their stations :

Mr. C. Grant, magistrate and deputy collector of Hooghly, for one month, in extension of that granted to him on the 1st of August last.

Mr. W. S. Dicken, assistant surgeon, attached to the civil station of Balasore, an extension of leave of absence for seven days from the 3d ultimo, in addition to the leave for one month granted by the commissioner on the 22d December last, to enable him to rejoin his station.

PORT WILLIAM, ECCLESIASTICAL DEPARTMENT, THE 28TH FEBRUARY, 1838.—The Rev. John Bell, district chaplain, of Mhow, reported his return to the Bengal presidency from Singapore on the 27th instant.

THE 3D MARCH, 1838.—The Revd. John Bell, chaplain on the Bengal establishment, is permitted to proceed to Europe on furlough, to take effect from the date of sailing of the ship *Zenobia*.

PORT WILLIAM, GENERAL DEPARTMENT, 7TH MARCH, 1838.—Mr. George Alexander assumed charge of the General Post Office on the 1st instant.

POLITICAL DEPARTMENT, CAMP, AT DELHI, THE 17TH FEBRUARY, 1838.—Lieutenant A. Ramsay, assistant to the commissioner in Kumaon, has leave of absence from the 1st Feb. to the 1st May next, to visit the presidency, preparatory to applying to proceed to the Cape of Good Hope, on medical certificate.

POLITICAL DEPARTMENT, CAMP, AT DELHI, THE 19TH FEB. 1838.—The appointment of Ensign M. E. Sherwill, of the 66th regiment native infantry, under date the 20th ultimo, to serve with the Oude auxiliary force, is hereby cancelled, it appearing to be at variance with the general order under date the 24th September 1832.

GENERAL DEPARTMENT, THE 10TH MARCH, 1838.—Sir Charles D'Oyly, Baronet, and Mr. George Adams, of the civil service, embarked for England on board the ship *Thomas Grenville*, which ship was left by the pilot at sea on the 8th instant.

ECCLESIASTICAL DEPARTMENT, THE 7TH MARCH 1838.—The Hon. the Deputy Governor of Bengal is pleased to grant to the Rev. James Charles, senior minister of St Andrew's Church, one month's leave of absence, from the presidency, from the 10th instant for the benefit of his health.

THE 10TH MARCH, 1838.—The Rev. John Bell, chaplain on the Bengal establishment embarked for England on board the ship *Zenobia*, which ship was left by the pilot at sea on the 8th instant.

Head Quarters, Simla, 10th February 1838.—The Cawnpore division order of the 29th ultimo, directing Assistant Steward W. H. Crawford to do duty with a detachment of artillery proceeding to the presidency by water, is confirmed.

Head Quarters, Simla, 12th February 1838.—The Cawnpore station order of the 8th ultimo, making the following arrangements for the march of the artillery drafts arrived from the presidency, under the command of Captain T. Hickman, is confirmed.

Lieutenant and Brevet Captain H. N. Pepper, of the 3d battalion, to the command of those proceeding to Saugor and Mhow, Assistant Surgeon G. G. Brown, M. D. to have medical charge and hospital apprentice D. Fleming to act as assistant apothecary and assistant steward to the detachment.

Captain Hickman, on his arrival at Mynpoorie with the remainder of his detachment, to forward the men for Agra, Muttra, and Nussersabad, to Agra, under charge of 2d Lieutenant H. M. Couran, of the 4th battalion.

Assistant Apothecary G. Higginson and Assistant Steward J. Hennessy to accompany the detachment for Meerut ; and hospital apprentice J. Keen to be detached from Mynpoorie as acting assistant apothecary with the party for Agra.

Head Quarters, Simla, 14th February, 1838.—His Excellency the Commander in Chief is pleased to make the following removal and posting of field officers :

Lieutenant Colonel John Taylor (on furlough), from the 19th to the 15th regiment native infantry.

Lieutenant Colonel W. Burroughs new promotion to the 29th regiment native infantry, vice Taylor.

The undermentioned officers have returned to their duty on this establishment, without prejudice to their rank, by permission of the Honorable the Court of Directors :

Captain James Fraser, of the 2d regiment light cavalry ; 1st Lieutenant and Brevet Captain Edward Henry Ludlow, of the regiment of artillery ; Lieutenant Osborne Campbell, of the 43d regiment native infantry, and Ensign Frederick Maitland, of the 4th regiment native infantry, date of arrival at Fort William, 19th Feb. 1838.

Lieutenant Johnson Phillot, of the 10th regiment native infantry, is permitted to proceed to Europe on furlough, on medical certificate.

The undermentioned officers have leave of absence :

6th battalion artillery.—Colonel G. Pollock, C. B., from 2d March to 2d September, to visit Simla, on private affairs.

Right wing European regiment.—Major G. Warren, from 15th January to 1st June, in extension, to enable him to rejoin.

29th regiment native infantry.—Ensign H. F. Daniell, from 15th March to 10th August, to visit Hazareebaugh, on private affairs.

29th regiment native infantry.—Major D. D. Anderson, from 15th January to 15th April, to visit Allahabad and the presidency, preparatory to applying for permission to retire from the service.

1st company 3d battalion artillery.—Captain A. Abbott, from 1st March, to 10th March in extension, to enable him to join.

4th regiment native infantry.—Lieutenant and Brevet Captain H. T. Rahan, from 30th April to 30th October to visit the hills in the vicinity of Almorah, on private affairs.

Ramgub light infantry battalion.—Assistant Surgeon W. Dunbar, M. D. from 18th December 1837 to 18th January 1838 to visit Hazareebaugh, on account of his health.

Lieutenant J. Ramsay, of the 35th regiment native infantry, deputy assistant commissary general, has leave of absence for four months, from the 1st instant, on urgent private affairs, to visit Meerut and Calcutta, and eventually the Sand-heads.

Head Quarters, Camp, Simla, 15th February, 1838.—The Benares division order of the 3d instant, directing 2d Lieutenant W. K. Warner, of the 1st company 6th battalion, to do duty with the 4th company 3d battalion artillery, is confirmed.

Feb. 16.—The Cawnpore division order of the 13th ultimo directing all reports of the division to be made to Major General Oglander, is confirmed.

Feb. 16.—His Excellency the Commander in Chief is pleased to make the following appointments :

38th regiment native infantry.—Lieutenant William Kennedy to be interpreter and quarter master, vice Hollings appointed to the Oude auxiliary force.

48th regiment native infantry.—Ensign C. Hasell to be Adjutant, from the 1st of January last, vice Troup appointed to the Oude auxiliary force.



There being no qualified officer present with the 37th regiment native infantry, Lieutenant J. G. B. Paton, of the 47th regiment native infantry, is appointed, from the 3d instant, to act as interpreter and quarter master to that corps, during the absence, on leave, of Lieutenant Curtis, or until further orders.

Assistant Surgeon H. J. Tucker, M. D. officiating as civil surgeon at Moorshager, is appointed to the medical charge of the left wing 61st regiment native infantry in Kemaon, which he will proceed and join on being relieved from the duty on which he is at present employed.

CAMP, DELHI, 10TH FEB. 1838.—The following appointment was made in the political department under date the 15th instant:

Lieutenant A. C. Ralney, of the 25th regiment native infantry, to officiate as an assistant to the political agent at Subathoo, during the present season or until further orders.

Head Quarters, Simla, 19th February, 1838.—The presidency division order of the 25th December last, appointing assistant surgeon J. Smyth, M. D. of the 63d regiment of native infantry, to the medical charge of, and hospital apprentice W. H. Johnstone to act as assistant apothecary and assistant steward with, a detachment of European recruits, proceeding to Agra by water, under the command of Lieutenant A. Stewart, is confirmed.

The presidency division order of the 10th ultimo, directing assistant surgeon J. Smyth, M. D. in addition to the duty above-mentioned, to afford medical aid to a detachment of volunteers for Her Majesty's regiment proceeding to Allahabad by water, under the command of Captain Thompson, is confirmed.

February 21.—The regimental order of the 10th of December last, by Major A. Carnegy, commanding the 15th native infantry, appointing Lieutenant G. J. Montgomery to act as Adjutant, vice Abbott placed at the disposal of the Honorable the President in Council, is confirmed.

The Mhow station order of the 7th instant, directing Assistant Surgeon F. Anderson, M. D. doing duty with the 63d native infantry, to proceed to Bhopawar, and afford medical aid to the 5th local horse, and Surgeon B. Bell, of the 60th, to perform the medical duties of 63d regiment, confirmed.

The Meerut division order of the 13th instant, appointing Lieutenant H. Palmer, of the 45th regiment of native infantry, to officiate as Deputy Judge Advocate at a native general court martial directed to assemble at Delhi, is confirmed.

Camp, Delhi, 20th February, 1838.—The following appointments are made in the department of the quarter master general of the army:

Lieutenant G. P. Whish, of the 60th regiment native infantry, to officiate as deputy assistant quarter master general, during Captain Bellow's absence on medical certificate, or until further orders.

Ensign A. M. Boeber, of the 61st regiment native infantry, to be an assistant in the office of the quarter master general of the army.

February 20th.—His Excellency the Commander in Chief is pleased to make the following removals and postings of medical officers.

Assistant surgeon A. McD. Stuart, on furlough, from the 5th local horse to the 2d regiment of native infantry.

Assistant surgeon J. B. Macdonald, from the 3d light cavalry to the 5th regiment of local horse.

Assistant surgeon A. Gibbons will, on the arrival of the 58th native infantry at Barrackpore, rejoin the European regiment at Agra, to which he stands posted.

Assistant surgeon Alexander Bryce, M. D., is removed from the 2d to the 1st brigade of horse artillery, and directed to join his head quarters at Kurnaul.

The undermentioned officer is permitted to proceed to Europe on furlough.

Lieutenant Augustus Turner, of the 1st regiment N. I., on medical certificate.

Feb. 22.—The appointment, in general orders of the 23d ultimo, of Sergeant Major Andrew Burrows to the situation of Bazar Sergeant at Mhow, is cancelled, and that non-commissioned officer will continue to serve with the 2d regiment native infantry.

Quarter Master Sergeant James Cooper is removed from the Rangbar battalion, and appointed in the 43th regiment of native infantry at Dinapore, vice Quinn pensioned.

Camp, Delhi, 22d Feb. 1838.—The Right Hon. the Governor General is pleased to make the following appointments:

Captain John Welchman, of the 10th regiment of native infantry, and second assistant Adjutant General to be first assistant Adjutant General, vice Craigie appointed deputy Adjutant General of the army, in general orders of the 23d ultimo.

Captain P. Grant, of the 59th regiment of native infantry, and Commandant of the Hurriannah light infantry battalion, to be second Assistant Adjutant General of the army, vice Welchman.

Captain R. Campbell, of the 42d regiment native infantry, to command the Hurriannah light infantry battalion, vice Grant.

Captain J. Scott, of the 58th regiment of native infantry, to be major of brigade to the troops in Oude, vice Sturt appointed to the Oude auxiliary force.

No. 35 of 1838.—The following appointment made by the Hon. the President of the Council, is published in general orders:

Captain William Prescott, of the 2d regiment Madras native infantry, to be a temporary Aid-de-camp on His Honour's personal staff from this date, vice Caine.

Head Quarters, Simla 23d February, 1838.—The presidency division order of the 5th instant, appointing assistant apothecary A. De Feo, at present attached to the 4th, to do duty with the 1st battalion of artillery, is confirmed.

The presidency division order of the 6th instant, directing Shik Mahomed Rikbar, native doctor, at present serving with the 3d regiment of native infantry, to proceed to Allipore, and do duty with the Calcutta native militia, is confirmed.

The Cawn division order of the 15th instant, appointing assistant apothecary John Robinson, attached to the 3d brigade of horse artillery, to act as hospital steward to the brigade, vice Byron performing the duties of apothecary, is confirmed as a temporary arrangement.

The following assistant surgeons, now at the general hospital, are directed to proceed and do duty under the superintending surgeons at the stations specified opposite to their names:

Assistant surgeon L. T. Watson, ..... Meerut.  
" G. S. Cardew, ..... Agra.  
" J. Arnott, M. D. ..... Cawnpore.

Ensign William Egerton, of the 2d regiment native infantry is appointed to do duty with the Sylhet light infantry battalion and directed to proceed and join.

Fort William, 26th February, 1838.—No. 31 of 1838.—The Honorable the President in Council is pleased to make the following promotion.

Medical Department.—Assistant Surgeon Charles Chandler Egerton to be surgeon, from the 19th February 1838, vice surgeon J. M. Todd deceased.

The Hon. the President in Council is pleased to make the following promotions:

1st Regiment N. I.—Lieutenant and Brevet Captain William McGeorge to be Captain of a company, and Ensign Cerjat Michael Bristow to be Lieutenant, from the 1st January 1838, in succession to Brevet Major R. Bayldon, retired on the pension of a Lieutenant-Colonel.

Mr. William Fisher is admitted to the service, in conformity with his appointment by the Honorable the Court of Directors, as a Cadet of Cavalry on this establishment, and promoted to the rank of Cornet, leaving the date of his commission for future adjustment, date of arrival at Fort William, 21st Feb. 1838.

Fort William, 26th February, 1838.—No. 33 of 1838.—Captain and Brevet Major Richard Bayldon, of the 7th regiment native infantry, Assistant Adjutant General of the Benares division, is permitted to retire from the service of the East India Company, on the pension of a Lieutenant Colonel from the 1st January last, in conformity to general orders, No. 258 of the 29th December, 1837.

Surgeon Thomas Munro, of the medical department, is permitted to retire from the service of the East India Company, from the 1st proximo.

Camp, Somalka, 24th Feb. 1838.—The following appointment was made on the 24th instant, in the general department, north western provinces:

Mr. Officiating Civil Assistant Surgeon G. Paton, M. D., to be civil assistant surgeon at Ally Gath, vice Tritton.

Fort William, 5th March, 1838.—No. 34 of 1838.—The Hon. the President in Council is pleased to make the following promotion:

Regiment of artillery.—2d Lieutenant William Timbrell to be 1st Lieutenant, from the 20th February 1838, vice 1st Lieutenant and Brevet Captain George James Cookson deceased.

Superannuated 2d Lieutenant John Elliott is brought on the effective strength of the regiment.

Medical department.—Assistant Surgeon John Menzies to be surgeon, from the 1st March 1838, vice surgeon Thomas Munro retired.

Rank is assigned to the undermentioned Cornet of Cavalry, from the date expressed opposite to his name:

Cornet William Fisher, ..... 5th October 1837.

**February 23.**—Lieutenant A. Ramsay, assistant to the commissioner in Kumaon, has obtained leave of absence, in the political department, from 1st February to 1st Jan. 1838, to visit the presidency, preparatory to applying to proceed to the Cape of Good Hope, on medical certificate.

Ensign William Martland Roberts, of the 80th regiment N. I., is permitted to proceed to Ayrungabad, on his private affairs, and to be absent from Bengal on that account for six months.

4th regiment light cavalry.—Coronet G. Jackson, from 30th March to 30th September, to visit the hills north of Deyrah, on private affairs.

15th regiment native infantry.—Ensign C. F. Bruere, from 15th March to 30th April, to visit Neemuch on private affairs.

34th regiment native infantry.—Surgeon R. Tytler, M. D., from 5th February to 30th April, to visit Gwalior, on private affairs.

31 troop 1st brigade, horse artillery.—Lieutenant R. Waller, from 15th March to 15th September, to visit the hills north of Deyrah, on private affairs.

2d regiment native infantry.—Lieutenant R. N. MacLean, from 30th March to 30th September, to visit Simla, on private affairs.

42d regiment native infantry.—Lieutenant D. Gausson, from 1st March to 30th April, to visit Almora and Hurdwar, on private affairs.

52d regiment native infantry.—Lieutenant C. Darby, from 2d October 1837, to 26th November 1837, in extension, to enable him to rejoin his regiment at Nusseerabad.

62d regiment native infantry.—Lieutenant the Honorable R. B. P. Hynd, from 20th March to 20th September, to visit Meerut and Simla, on private affairs.

63d regiment native infantry.—Lieutenant and Adjutant R. Troup, from 1st April to 1st August, to visit Allahabad, on private affairs.

44th regiment native infantry.—Lieutenant Colonel J. Holbrow, from 15th March to 15th July, to visit Guckpore, on private affairs.

33d regiment native infantry.—Major C. Coventry, from 1st Feb., to 15th Feb., in extension, to enable him to rejoin his regiment at Dacca.

47th regiment native infantry.—Brevet Major T. Bolton, from 1st March to 30th Decr., to visit the hills in the vicinity of Kumaon and Almora, on medical certificate.

2d regiment light cavalry.—Brevet Captain J. Inglis, from 20th April to 20th October, to visit the hills north of Deyrah, on private affairs.

Right wing European regiment.—Captain T. Box, from 1st April to 30th September, to visit Mussoorie, on private affairs.

Right wing European regiment.—Lieutenant H. T. Combe, from 1st April to 1st October, to visit Mussoorie on private affairs.

65th regiment native infantry.—Lieutenant C. J. H. Ferren, from 5th February to 5th March, in extension to remain at the presidency, on medical certificate.

9th regiment native infantry.—Ensign J. Murray, from 25th April to 25th July, to visit Calcutta, for the purpose of appearing before the examiners of the college of Fort William.

43d regiment native infantry.—Ensign A. H. Russ, from 1st March to 1st May, to visit Ainsurah and Hurdwar, on private affairs.

69th regiment native infantry.—Surgeon J. Turner, from 17th December 1837 to 17th March, to remain at the presidency preparatory to submitting an application for permission to retire from the service.

37th regiment native infantry.—Captain H. H. Arnaud, from 1st March to 1st September, to visit the hills north of Deyrah, on private affairs.

Major R. Hawkes, of the 9th light cavalry, is permitted, at his own request, to resign the command of the 3d local horse, and to join the 9th regiment of light cavalry, to which he belongs at Nusseerabad.

Captain Charles Wilson, of the left wing European regiment having been declared incapable of performing the active duties of his profession, is, at his own request transferred to the invalid establishment.

The undermentioned assistant overseers are promoted to the rank of overseer in the department of public works, to supply four vacancies which have occurred in that grade by the death of overseer McKittrick, and resignation of overseer Little, O'Meara, and Waring.

Assistant overseers Geoffrey Coleman, Edward Hepper, Thomas Stubbs and Alexander D'Castro.

**Camp, Kurnal, 2d March, 1838.**—The following appointments were made on the 28th ultimo, in the political department north western provinces:

Lieutenant and Brevet Captain U. Huddleston, of the 7th regiment native infantry, to officiate as an assistant to the Com-

missioner in Kumaon, during Lieutenant A. Ramsay's absence on medical certificate.

Lieutenant J. Duncan, of the 26th regiment native infantry, to be an assistant to the agent to the Governor General in the Sagar and Kerbudda territories, vice Cornet C. G. Fagan, permitted to resign that appointment.

**Camp, Kurnal, 6th March, 1838.**—The Right Hon. the Governor General is pleased to appoint Sergeant Major Thomas May of the 7th light cavalry, riding master to that regiment from the 11th February 1838, and during the absence, on furlough, of riding master Jordan or until further orders.

**March 3d.**—His Excellency the Commander in Chief is pleased to make the following appointment:

68th regiment native infantry.—Lieutenant C. J. H. Perreau to be Adjutant, vice Parker, who has proceeded on furlough to Europe.

The President in Council is pleased to make the following promotions.

**Left Wing European Regiment.**—Lieutenant Allister Stewart to be Captain of a company, and Ensign Henry Brooks Walker to be Lieutenant, from the 5th March 1838. In succession to Captain Charles Wilson, transferred to the invalid establishment.

**Medical department.**—Assistant surgeon Benjamin Wilson to be surgeon, from the 1st March 1838, vice surgeon John Turner retired.

The following promotions are made in the ordnance commissariat department:

Sub-conductor Joseph Wilson to be conductor, Sergeant-major Mathew Fennie, of the 40th regiment N. I., to be sub-conductor, from the 4th January 1838, vice Gale deceased.

**Fort William, 12th March, 1838.**—No. 36 of 1838.—The following paragraphs of a military letter, No. 87, from the Hon. the Court of Directors, to the Governor of Bengal, under date the 19th December, 1837, are published for general information:

"Para. 2. Sub-conductor William Donahoe, of your establishment, has been granted an extension of leave for six months.

3. We have permitted superintending surgeon G. G. Campbell to retire from the service. This vacancy has effect from the 1st September 1837.

4. We have also permitted Captain Lewis Burroughs to retire. His retirement has effect from the 11th October 1837.

**Head Quarters, Simla, 27th February 1838.**—Brigadier W. Burgh's station order of the 9th instant, appointing Lieutenant, Brevet Captain, and Adjutant G. H. Edwards, of the 13th regiment native infantry, to act as station staff at Nusseerabad, during the absence, on duty, of Captain and Brigade-major La Touche, is confirmed.

**28th February.**—The presidency division order of the 13th instant, directing Cornet A. S. Oallway recently admitted into the service, to proceed to Cawnpore, and to do duty with the 5th regiment of light cavalry at that station, is confirmed.

The Dinapore division order of the 31st ultimo, directing all reports of the division to be made to Colonel R. Bartley, of Her Majesty's 49th regiment, is confirmed.

Lieutenant Colonel J. Frushard's regimental order of the 28th ultimo, appointing Ensign G. Dalton, to act as Adjutant to the 58th regiment of native infantry, vice Parker proceeding on leave, is confirmed as a temporary arrangement.

Lieutenant Colonel J. Tulloch's regimental order of the 14th instant, appointing Lieutenant T. Auldred to act as Adjutant to the 69th regiment of native infantry, during the absence of Lieutenant Whish, is confirmed.

The Kurnal station order of the 3d instant, appointing Brevet Captain J. Christie, of the 1d light cavalry, to act as station staff during the absence, on duty of the deputy assistant Adjutant, General of the 51st division is confirmed.

The Malwah artillery division order of the 4th ultimo, appointing Sergeant-major Reid, of the 3d battalion artillery, to act as sub-conductor, and to take charge of the stores in the ordnance depot at Mhow, vice Gale deceased, is confirmed as a temporary arrangement.

Captain W. Maclier, of the 4th regiment light cavalry, is appointed to officiate as deputy judge Advocate General to the 5th hind division of the army, during the absence, on leave, of Captain Angelo, or until further orders.

Ensign C. A. F. Hervey, of the 3d regiment of native infantry, is permitted to visit the hills north of Deyrah, instead of Simla, for the period of leave granted to him in General Orders of the 19th ultimo.

**Head Quarters, Simla, 2d March, 1838.**—The Neemuch station orders of the 17th ultimo, appointing Lieutenant C.

Codrington, of the 49th native infantry, to act as staff to a detachment, of the strength noted in the margin, under the command of Lieutenant Colonel C.R. Skardou; directing surgeon J. Origto afford medical aid to the 3rd Light wing 3d local horse. companies of the 7th native infantry; and assistant surgeon J. Warrall, M.D. to perform the medical duties of the left wing 3d local horse are confirmed.

Ensign J. Morrison, of the 3d regiment native infantry, is appointed to act as interpreter and quarter master to the 1st light cavalry, during the absence of Lieutenant Smith, or until further orders.

This order to have effect from the 19th ultimo.

**Head Quarters, Simla, 3d March, 1838.**—The Dinapore station order of the 19th ultimo, appointing Lieutenant interpreter and quarter master W. Lamb, of the 31st regiment of native infantry, to act as station staff, during the absence, on duty, of Captain Thompson, is confirmed.

The Sirhind artillery division order of the 26th ultimo, appointing 2d Lieutenant W. Timbrell to act as Adjutant to the left wing of the 2d battalion of artillery, vice Cookson deceased, is confirmed.

The Kurnaul station order of the 6th ultimo, appointing lance Corporal Isaac Francombe, of Her Majesty's 13th light infantry, to act as church clerk, is confirmed.

Assistant apothecary G. Higginson and assistant steward J. Hennessy, recently arrived with a detachment of artillery at Kurnaul, are directed to proceed, the former to Cawnpore, and the latter to Meerut, and to do duty under the orders of the superintending sergeants at those stations.

Sergeant Major Charles Stewart, of the 38th regiment of native infantry, is appointed Bazar Sergeant at Mhow, vice Burrows.

**26th February.**—His Excellency the Commander in Chief is pleased to order the following removals and postings of field officers.

Colonel (Brigadier) John Tumba, from the 6th to the 4th regiment of light cavalry.

Colonel Samuel Smith, new promotion, to the 8th regiment of light cavalry.

Lieutenant Colonel James Caulfield, C.B. (on staff employ) from the 1st to the 8th regiment of light cavalry.

Lieutenant Colonel James William Roberdeau, new promotion, to the 1st regiment of light cavalry.

Cornet Mathew Wood, who was brought on the effective strength in Government general orders No. 24, of the 12th instant, is posted to the 4th regiment of light cavalry, and directed to join.

The undermentioned officers are permitted to proceed to Europe on furlough:

Captain John Studholme Hodgson, of the 12th regiment N. I., and Captain Andrew Charlton, of the 74th Regt. N. I. second in command of the Assam light infantry, on medical certificate.

No. 37 of 1838.—Surgeon John Turner, of the medical department, is permitted to retire from the service of the East India Company, on the pension of his rank, from the 1st instant.

**Head Quarters, Simla, 24th February, 1838.**—The undermentioned officers have leave of absence:

Division staff—Capt. F. Angelo, deputy Judge Advocate Genl., Sirhind division, from 25th March 1838 to 25th March 1839, to visit the hills, north of Deyrah, on medical certificate.

8th regiment light cavalry.—Cornet T. T. Tucker, from 15th February 1838 to 1st February 1839, to visit the hills north of Deyrah, on medical certificate.

6th regiment native infantry.—Lieut. and Brevet Captain D. C. Keiller, from 1st April to 1st July, to visit Poore, on private affairs.

30th regiment native infantry.—Lieutenant R. H. Seale, from 15th April to 15th October, to visit Delhi, on private affairs.

43d regiment native infantry.—Captain J. Nash, from 15th March to 15th April to proceed to Allahabad, on private affairs.

62d regiment native infantry.—Lieutenant D. E. Brewster, from 15th March to 15th June, to visit Shahjehanpore, on private affairs.

35th regiment native infantry.—Surgeon T. M. Munro, from 2d Feb. to 20th March, to visit the presidency, preparatory to submitting an application for permission to retire from the service. This cancels the leave granted to surgeon Munro, in general orders of the 24th June last.

88th regiment native infantry.—Colonel W. Nott, from 30th March to 30th Oct., to visit Mussoorie, on private affairs.

24th regiment native infantry.—Lieutenant T. Mackintosh, from 10th March to 10th July, to visit Malda, on private affairs.

63d Regiment Native Infantry.—Lieutenant J. C. Alderson, from 15th February 1838 to 17th February 1839, to visit Mussoorie, on medical certificate.

67th regiment native infantry.—Lieutenant Colonel R. Chalmers, from 15th February to 15th March, to remain in Calcutta, on medical certificate.

Lieutenant Andrew Ramsay, of the 34th regiment N.I., assistant to the commissioner in Kumaon, is permitted to proceed to the Cape of Good Hope on medical certificate, and to be absent from Bengal on that account for two years.

Captain Charles Herbert White, of the 8th regiment light cavalry, having been declared incapable of performing the active duties of his profession, is, at his own request, transferred to the invalid establishment, from the 20th February last.

The leave of absence obtained by Ensign William Maitlan, Roberts, of the 30th regiment, N. I., in general orders No. 24 of the 5th instant, is to commence from the 10th February last.

17th regiment native infantry.—Captain T. Cooke, from 25th April to 25th October to visit Simla, on private affairs.

17th regiment native infantry.—Ensign H.P. Budd, from 25th April to 25th October, to visit Simla, on private affairs.

**Camp, Panseput, 28th February, 1838.**—The Right Hon'ble the Governor General is pleased to sanction an increase to the 1st corps of local horse, of an additional or tenth resallah, into which will be incorporated such number of the forty sowars, originally raised in the civil department for Jheend, and now employed in the Bhoote county, as may be found in every respect fit for the service.

Quarter Master Sergeant Dennis Collins, of the 1st brigade horse artillery, is admitted to the benefits of the pension sanctioned by minutes of council of the 11th January 1797 and general orders dated 5th February 1829, subject to the confirmation of the Hon. the Court of Directors, with permission to receive his stipend at Meerut.

No. 19 of 1838.—Lieutenant J. W. Fraser, of the corps of engineers, superintendant of the Cuttack survey obtained leave in the judicial and revenue department, under date the 27th ultimo, to be absent from the station from the 10th March till the 10th May next, on medical certificate.

The appointment of Ensign M. E. Sherwill, of the 69th regiment native infantry, under date the 29th January last, to serve with the Oude auxiliary force, was cancelled by the Governor General, in the Political department, on the 19th ultimo, it appearing to be at variance with the general order dated the 24th September 1822.

**5th March.**—His Excellency the Commander in Chief is pleased to make the following appointment:

45th regiment native infantry.—Lieutenant G. Biddulph to be Adjutant, vice W. Biddulph, who has embarked for Europe.

**19th March.**—His Honor in Council is pleased to make the following appointment in the department of public works:

Lieutenant John Gilmore, of the corps of engineers, to the temporary charge of the Burmah division.

**FORT WILLIAM 19th MARCH, 1838.**—No. 41 of 1829.—The Hon. the President in Council is pleased to make the following promotions:

8th regiment light cavalry.—Lieutenant and Brevet Captain George Alexander Barber to be Captain of a Troop, and Cornet Christopher George Fagan to be Lieutenant, from the 20th February 1838, in succession to Captain Charles Herbert White, transferred to the invalid establishment.

Supernumerary Cornet Francis Walker Drummond is brought on the effective strength of the Cavalry.

74th regiment native infantry.—Captain Andrew Spens to be Major, Lieutenant Henry William Leacock to be Captain of a company, and Ensign Charles Gordon to be Lieutenant, from the 1st March 1838, in succession to Major Hector Mackenzie deceased.

No. 42 of 1833.—The Hon. the President in Council is pleased to make the following promotions and alteration of rank:

Regiment of Artillery.—1st Lieutenant and Brevet Captain Joseph Turton to be Captain, vice Captain Lewis Burraighs retired; with rank from the 16th of October, 1837, vice Captain Edward Cumberland Thomas Bostock Hughes deceased.

2d Lieutenant Wm. Kerby Warner to be 1st Lieutenant, vice 1st Lieutenant and Brevet Captain Joseph Turton promoted; with rank from the 20th of February, 1838, vice 1st Lieutenant and Brevet Captain George James Cookson deceased.

Supernumerary 2d Lieutenant John Mill is brought on the effective strength of the regiment of artillery. Medical Department.—Assistant Surgeon John McGaveston to be Surgeon, vice Surgeon George Gunning Campbell retired

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with rank from the 1st of March, 1839, vice Surgeon John Turner retired.

**Regiment of artillery.**—Capt. W. Anderson, to rank from 11th October 1837, in the room of L. Burroughs retired; 1st Lie J. L. C. Richardson, to rank from 11th October 1837, in the room of W. Anderson promoted; M. Mackenzie, to rank from 16th Oct., 1837, in the room of J. Turlon promoted; W. Timbrell, to rank from 17th November 1837, in the room of A. Cardew, deceased.

**Medical department.**—Surge. H. Clark, to rank from 1st Sept. 1835, in the room of G. G. Campbell retired; N. Morgan, to rank from 2d September 1835, in the room of F. S. Matthews deceased; J. Davidson, to rank from 5th September 1835, in the room of J. Erickford deceased; C. Motley, to rank from 3d October 1835, in the room of G. Skipton deceased; J. Roland, to rank from 15th October 1835, in the room of J. Allan M. D., deceased; E. J. Yaffman, M. D., to rank from 12th March 1836, in the room of J. Henderson deceased; J. Innes, M. D., to rank from 19th March 1836, in the room of O. Wray, deceased; G. Smith, to rank from 21st March 1836, in the room of R. N. Bunnard deceased; J. F. Steuart, M. D., to rank from 11th November 1836, in the room of J. Clarke deceased; A. McK. Clark, to rank from 25th December 1836, in the room of W. A. Venour retired; J. Colvin, M. D., to rank from 1st February 1837, in the room of N. Maxwell, M. D., retired; W. Stevenson, Sr. to rank from 5th March 1837, in the room of J. Tytler deceased; W. Bell, to rank from 21st March 1837, in the room of J. J. Patterson deceased; J. George, to rank from 1st May 1837, in the room of R. Grahame invalided; J. S. Sullivan, to rank from 3d May 1837, in the room of James Duncan deceased; J. W. Grant, to rank from 15th July 1837, in the room of D. R. Norton deceased; E. Shaw, to rank from 10th July 1837, in the room of W. P. Huston deceased; A. W. Stewart, to rank from 1st August 1837, in the room of W. Thomas retired; C. C. Egerton, to rank from 31st Dec. 1837, in the room of J. Swasey, M. D., retired; J. Monzie, to rank from 19th Feb. 1838, in the room of J. M. Todd deceased; B. Wilson, to rank from 1st March 1838, in the room of T. W. Munro retired.

The services of Assistant Surgeon James Anderson, M. D. are placed at the disposal of the Hon'ble the Deputy Governor of Bengal, for the medical duties of the civil station of Beerboom, vice Assistant Surgeon George Rae, placed at his own request, at the disposal of His Excellency the Commander in Chief.

**PORT WILLIAM, 10TH MARCH 1838.**—No. 44 of 1838.—Lieutenant Joseph Whiteford, of the 65th regiment native infantry, is placed at the disposal of the Government of Bengal, for the purpose of being employed in the thuggee department in the Moorshedabad circle.

**Camp Kayrah, 16th March, 1838.**—The following paragraphs of a military letter from the Hon. the Court of Directors, to the address of the Governor General of India in Council, No. 9 of 1837, dated the 19th of December last are published in general orders, for the information of the army:

"Para 7. We have no objection to the promotion to the local rank of major general of the Colonels of Her Majesty's army, serving in India, who were Major as such to Colonels of our army, promoted to the rank of major general by the brevet of the 10th January 1837.

"8. Under the special circumstances in which local major generals are placed, we consent to their being considered as eligible to continue to reside in India, and to hold those brigade commands which they would have held had their promotion not taken place, provided always that no interference be permitted with the commands on the general staff allotted to the major generals and Brigades of the Queen's and the Company's forces respectively."

**Head Quarters, Simla, 5th March 1838.**—The Mynpoorie station order of the 19th ultimo, appointing Lieutenant E. T. Tierney, interpreter and quarter master of the 28th regiment native infantry, to act as station staff, is confirmed.

**Head Quarters, Simla, 6th March 1838.**—Brigadier G. R. Penny's station order of the 1st of January last, directing all reports of the station of Barrackpore to be made to Colonel J. Cook, is confirmed.

**Head Quarters, Simla, 8th March 1838.**—The Jubbulpore station order of the 15th ultimo, directing surgeon A. Simson, M. D., of the 46th, to afford medical aid to the 33d regiment of native infantry, on the departure of surgeon G. Smith, is confirmed.

Lieutenant John Wedderburn Fraser, of the corps of engineers, superintendent of the survey of the Cuttack province, is permitted to proceed to the Cape of Good Hope, on medical certificate, and to be absent from Bengal on that account for two years.

The leave of absence granted to Captain C. J. Lewes, of the 50th regiment native infantry, assistant commissary general, in general orders No. 238, of the 4th December last, is to have effect from the 6th of January until the 8th February last, instead of the period therein stated.

No. 43 of 1838.—Captain H. Rutherford, of the regiment of artillery, principal assistant to the commissioner of Assam, obtained, in the judicial and revenue department, under date the 20th ultimo, an extension of leave of absence from the 20th October 1837 to the 1st February last, the latter being the date of his receiving charge of the Gowaiparah division.

Captain J. Drummond, of the 19th regiment native infantry, commanding the Khoordah Pak company, obtained, in the judicial and revenue department, under date the 9th instant, leave of absence for eleven months, on medical certificate, from the 1st March 1838 to the 1st February 1839, to visit the Himalaya mountains.

25th Regiment native infantry.—Captain T. O. O'Beirne, from 25th February to 25th August to visit the presidency, preparatory to submitting an application for furlough.

Medical staff—superintending surgeon G. Campbell, Sirhind division, from 7th March, to 31st March to visit Simla, on private affairs.

5th battalion artillery.—Lieutenant J. L. C. Richardson, from 1st April, to 1st November, to visit the presidency and Cherra Poonjee, on private affairs.

14th regiment native infantry.—Ensign C. L. Showers, from 10th March to 10th March, 1839, to visit the hills north of Deyrah, on medical certificate.

1st regiment light cavalry.—Lieutenant Colonel J. W. Robereau, from 26th February to 26th August, to visit Simla, on private affairs.

27th regiment native infantry.—Ensign S. Arden, from 7th March to 7th July, to visit the presidency; on medical certificate, and apply for furlough.

Mr. J. V. Law, of the pension establishment, is permitted to reside and draw his stipend at Cawnpore, instead of Futehghur.

Conductor R. Sault, of the invalid pension establishment, is permitted to reside and draw his stipend at Agra, instead of Dinapore.

Captain T. G. Wilton, of the invalid establishment, is permitted to reside at Delhi, and to draw his pay and allowances from the Agra pay office.

Assistant Apothecary Richard Bean, promoted in Government general orders of the 19th ultimo, will continue to do duty in the hospital of Her Majesty's 16th lancers, during the absence, on duty, of assistant apothecary Absalom, or until further orders.

**Head Quarters, Simla, 13th March 1838.**—The Commander in Chief in India has been pleased to make the following appointment, on His Excellency's personal staff.

Ensign R. H. Yea, of Her Majesty's 13th regiment of foot, to be aide-de-camp, from the 1st instant.

Lieutenant and Brevet Captain E. H. Ludlow is appointed to act as Adjutant to the right wing 4th battalion of artillery.

**Head Quarters, Simla, 9th March 1838.**—There being no qualified officer present with the 26th regiment native infantry, Ensign J. S. Knox of the 42d regiment, is appointed to act as interpreter and quarter master to that corps, vice Duncan nominated to a situation in the political department.

Captain Edward Fitz Gerald Day, of the 1st company 1st battalion of artillery, is appointed aide-de-camp to major general C. Brown, C. B. commanding the Benares division, vice McClellan posted to the Loree artillery.

**Fort William, 26th March, 1838.**—No. 45 of 1838.—Mr. Crawford Trotter Chamberlain is admitted to the service, in conformity with his appointment by the Hon. the Court of Directors as a cadet of infantry on this establishment, and promoted to the rank of Ensign, leaving the date of his commission for future adjustment.—Date of arrival at Fort William, 20th March 1838.

**Head Quarters Simla, 16th March 1838.**—The presidency division order of the 23d ultimo, directing hospital apprentice J. Fagan, lately attached to Her Majesty's 11th light dragoons, to join and do duty to Her Majesty's 9th regiment of foot, is confirmed.

The Neemuch station order of the 8th ultimo, directing Surgeon W. Darby, of the 1st regiment light cavalry, to afford medical aid to the Mewar division of artillery, is confirmed.

Gunner John King, of the 4th company 4th battalion artillery, who was directed in general orders of the 21st of September last, to be sent to the eye infirmary having been declared unfit for the duties of a soldier, is transferred to the veteran company at Chunar.

**Head Quarters, Simla, 13th March 1838.**—The Cawnpore division order of the 3d instant, directing civil assistant surgeon J. G. as to perform the medical duties of the 34th regiment of native infantry at Futehghur, during the absence, on leave, of Surgeon R. Tytler, M. D., is confirmed.

The Allahabad garrison and cantonment order of the 24th January, directing all reports of the garrison and cantonment to be made to Lieutenant Colonel J. Orchard, commanding the 31st regiment of native infantry, is confirmed.

*Head Quarters, Simla, 14th March 1838.*—The Meerut division orders of the 2d and 5th instant, the former appointing assistant surgeon A. Bryce, M. D., of the 1st brigade of horse artillery, to the medical charge of the detachment of convalescents proceeding to Landour, and the latter directing hospital apprentice A. W. Wallace, of Her Majesty's 3d buff, to officiate as assistant steward with the detachment, are confirmed.

The Meerut station order of the 5th instant, making the following non-commissioned staff appointments for the detachment of convalescents proceeding to Landour, under the command of Captain Wadde, of Her Majesty's 16th foot, is confirmed.

Sergeant Parkinson, of Her Majesty's 16th lancers, to be Sergeant major.

Sergeant Ruggles, of Her Majesty's 16th foot, to be provost sergeant.

Corporal McLean, of the 2d company 5th battalion of artillery, to be camp-colourman.

*Head Quarters, Simla, 15th March 1838.*—Lieutenant Colonel T. Worsley's appointment on the 4th ultimo, of assistant surgeon H. Bousfield, attached to the civil station of Mysore, to afford medical aid to the 28th regiment of native infantry, is confirmed.

The Agra garrison and station order of the 3d instant, directing Corporal Thomas Gowland, of the European regiment, to officiate as church clerk, during the absence, on leave, of pensioned Sergeant Rivett, is confirmed.

The Kurnaul station order of the 7th instant, appointing a acting sergeant major Ryan, of the left wing 2d battalion of artillery, to act as Bazar Sergeant at that station, is confirmed as a temporary arrangement.

His Excellency the Commander in Chief is pleased to confirm the following appointments of non-commissioned officers to a detachment of artillery drafts proceeding towards Sagar, under the command of Brevet Captain H. N. Pepper, to have effect from the 12th of January last :

Gunners Charles Callum of the 1st company 3d battalion, to be acting sergeant major ; William Bardin, of the 2d company 3d battalion, to be provost sergeant ; William Warrington and James Scofield of the 2d troop 1st Brigade, to be acting sergeant ; Edward Fox, and John Fancourt, of the 2d troop 1st Brigade, and John Best, of the 1st company 3d battalion, to be acting Corporal

The Commander in Chief is pleased to make the following removals and postings of warrant officers of the ordnance commissariat department :

Conductor D. Ross, from the Agra magazine to the Hansi depot, vice Carr, deceased.

Conductors W. Gibson and J. Gower, from the Cawnpore to the Sagar magazine, vice Gale deceased, and Wheeler, who has obtained permission to retire from the service.

Sub-conductors R. Hunter, W. Cowan and A. McGregor, now at the arsenal, are posted, the former to the Agra and the two latter to the Cawnpore magazine.

Ensign J. S. Bristow is, at his own request, removed from the 6th to the 71st regiment of native infantry, as youngest of his rank.

No. 47 of 1838.—Captain N. Lewis, of the 63d regiment native infantry, an assistant to the general superintendent of the operations for the suppression of thuggee, has obtained in the General Department, leave of absence from the 20th instant, to visit the presidency, with a view to applying for leave to proceed to sea, on medical certificate.

67th Regiment native infantry.—Lieutenant and Adjutant F. Rainsford, from 5th May, to 5th September to visit the presidency, preparatory to submitting an application for furlough to Europe.

4th battalion artillery.—Colonel A. Lindsay, C. B. from 3d April to 3d October, to visit the hills north of Deyrah, on private affairs.

26th regiment native infantry.—Major G. Huish, from 25th April to 15th October to visit Mussoorie, on private affairs.

68th regiment native infantry.—Lieut. and Adj. E. P. Bryant, from 15th April to 30th July, to visit the presidency, on private affairs, and apply for furlough.

Division Staff.—Captain J. S. H. Weston, Deputy Judge Advocate General, Meerut division, from 1st April to 1st October to visit the hills north of Deyrah, on private affairs.

15th regiment native infantry.—Ensign B. M. Loveday, late doing duty with the 37th N. I. from 1st March to 1st September to remain at Agra, on private affairs.

16th regiment native infantry.—Captain H. M. Graves, from 15th April to 15th October to visit Mussoorie, on private affairs.

18th regiment native infantry.—Ensign Frederick C. Tombs, from 5th March to 5th August, in extension, to remain at Bareilly, on private affairs.

18th regiment native infantry.—Ensign Francis Tombs, from 5th March to 5th September, in extension, to remain at Bareilly, on private affairs.

26th regiment native infantry.—Ensign C. R. Lockhart, from 1st March to 15th November, to visit Simla, on medical certificate.

69th regiment native infantry.—Ensign J. Gordon, from 30th April to 30th September, to visit Mussoorie, on private affairs.

63d regiment native infantry.—Lieutenant Colonel T. Dundas, from 17th February to 17th March, to remain at the presidency, on medical certificate

*Head Quarters, Simla, 15th March 1838.*—His Excellency the Commander in Chief, with the sanction of the Right Hon. the Governor General, is pleased to grant to the native army, the indulgence of leave of absence, from the 1st proximo, under the indulgence of restrictions and limitations. Where circumstances may prevent this indulgence from being granted to the full extent authorized, a report is to be made to head quarters.

To the troops stationed in Assam, at Dacca and Chittagong, leave is granted to the extent of 4 native officers and 24 non-commissioned officers per regiment, and 15 privates per troop of company, to cease on the 1st January 1839.

Orders will hereafter be issued relative to the furlough of the troops in Sylhet and belonging to the Mewar field force.

To all other corps in the presidency division, except those enumerated above, to corps in the Sagar division, in the Malwa and Rajpootannah field forces, and in the Sirhind division, leave is granted to the same number, to cease on the 15th November next.

To hill corps stationed at Subathoo, Deyrah, and Kermanon, leave is to be granted to the same number, to cease on the 15th December next.

To the troops of the line stationed in Kermanon, leave is to be granted to the same number, from the 15th October next to the 15th April 1839.

To the corps stationed in the Dinapore, Benares and Cawnpore divisions at Allahabad, and in the Meerut division, (excepting Kermanon) leave is granted to 3 native officers and 16 non-commissioned officers per regiment, and 15 privates per troop of company, until the 15th October next.

Commanding officers will be careful that leave is granted with strict regard to priority of claims, and will limit the time granted to individuals, with reference to the distance of their homes, and the nature of their business, so as to allow as full a participation as possible in the indulgence.

Officers and men going on furlough, are to be remanded of the penalties attached to the overstaying of their leave, as well as the necessity of giving notice to their regiments, if sickness should detain them at their homes.

The general orders of the 28th April 1810, containing pecuniary directions to native troops, when travelling to or from their regiments, is to be particularly explained to the officers and men of every regiment, previous to their departure on leave.

The attention of commanding officers is directed to general orders of the 19th February 1834, regulating the mode of granting the leave now authorized, as regards non-commissioned officers.

Much unnecessary correspondence being occasioned by general officers, in their inspection reports, making reference to articles "wanting" without communicating what orders they have issued for correcting the deficiency, His Excellency the Commander in Chief requests they will be so good as to refer to paragraph the 5th of a memorandum, dated Adjutant General's office, 24th September 1818, and, in future, render their reports in strict accordance thereto, in the particular alluded to.

The leave of absence granted to Captain George Cox, of the 68th regiment native infantry, in general orders No. 24, dated the 11th December last, to visit Bombay, is cancelled.

Lieutenant C. H. Thomas, of the 11th regiment native infantry, an assistant to the general superintendent of the operations for the suppression of thuggee, having returned to his duties on the 18th February, his leave of absence from that date to the 1st of April next, has been cancelled in the political department under date the 14th instant.

The leave of absence, for six months, granted to Captain H. H. Arnaud, of the 34th regiment of native infantry, in general orders of the 23d ultimo, is cancelled at his request.

The leave of absence granted in general orders of the 24th ultimo, to Captain J. Nash, of the 43d regiment of native infantry, is cancelled at his request.

Major John Barclay of the 4th regiment light cavalry, having been declared incapable of performing the active duties of his profession, is, at his own request, transferred to the Invalid Establishment.

No. 46 of 1838.—The Hon. the President in Council having approved of a compilation of orders for the conduct of the medical Department of the Bengal army, hereby establishes the same as a code of regulations for the guidance of all corps and departments to which it relates.

The Hon. the President in Council is pleased to annul and to declare to be abrogated from and after the 30th April next, all existing regulations militating against any part of the code now established.

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Quarter Master Sergeant John Dalton, of the 31st, is appointed Sergeant Major to the 20th regiment native infantry at Loodianah, vice Acton, deceased.

Quarter Master Sergeant John Cooke, of the 3rd, is appointed Sergeant Major to the 44th regiment of native infantry at Etawah, vice Reilly transferred to the 16th native infantry.

Quarter Master Sergeant Thomas Mahon, of the 51st, is appointed sergeant major to the 65th regiment native infantry at Barrackpore, vice Higginbottom, promoted to sub-conductor.

The following non-commissioned officers, of the regiment of artillery, are transferred to the town major's list, and appointed quarter master sergeants to the corps specified opposite to their names :

Staff Sergeant William Templeton, of the 1st company 5th battalion, to the 2d regiment native infantry at Lucknow, vice Catling invalided.

Drill Sergeant Henry Burgoyne, of the 5th battalion, to the 4th regiment native infantry at Gorakhpore, vice Heery remanded.

Sergeant James Tyrrell, of the 4th company 2d battalion, to the 31st regiment native infantry at Kurnaul, vice Dalton appointed sergeant major to the 20th regiment.

Sergeant James Foohy, of the 2d company 2d battalion, to the 26th regiment native infantry at Meerut, vice Crossley appointed sergeant major.

Sergeant Thomas Morgan, of the 1st company 1st battalion, to the 51st native infantry at Dinapore, vice Mahon appointed sergeant major to the 65th regiment.

Sergeant Peter Montgomery, of the 2d company 4th battalion, to the 57th regiment native infantry at Barrackpore, vice Williamson deceased.

The following non commissioned officers, of the European regiment, are transferred to the town major's list, and appointed quarter master sergeants to the corps specified opposite to their names :

Sergeant Adam McGregor to the 5th regiment of native infantry at Benares, vice Dalton transferred to the Nusseree battalion.

Sergeant John Nicholas to the 24th native infantry at Mynpoorie, vice Jones appointed sergeant major to the 72d regiment.

Sergeant Andrew Brennan to the 44th regiment native infantry at Banda, vice Sutcliffe transferred to the Oude auxiliary force.

Sergeant David Clunie to the 53d native infantry at Meerut, vice Cooke appointed sergeant major to the 44th regiment.

The leave of absence, for six months, granted to Apothecary J Douglas, in General Orders of the 20th December last, is to have effect from the 1st of May next, instead of from the date therein specified.

Quarter master sergeant Laurence Cullen, of the 7th light cavalry, is appointed to act as sergeant major to that regiment, vice Ray acting as riding master, during the absence, on furlough, of riding master Jordan.

Sergeant John Cooke, of the 2d troop 2d brigade horse artillery is appointed to act as quarter master sergeant to the 7th regiment of light cavalry, vice Cullen.

## GENERAL ORDERS TO THE QUEEN'S TROOPS.

*Head Quarters, Simla, 12th February 1838*—No. 102.—Her Majesty has been pleased to make the following promotions and appointments in the regiments serving in India :

**13th Light Dragoons.**—Captain Thomas Pilling Lang to be Major, without purchase, vice Taylor deceased, 27th November 1836.

Lieutenant George Manners to be Captain, vice Lang, 15th, September 1837.

Cornet John Hamilton Gray to be Lieutenant, vice Manners 15th Sept. 1837.

Cornet and Adjutant Charles Floyd to have the rank of Lieutenant, 16th September 1837.

William Highmore Rosser, gent. to be Cornet, vice Gray, 15th September 1837.

**2d Foot.**—Ensign Thomas A. Nixon to be Lieutenant, without purchase, vice Walton deceased, 6th February 1837.

Gentleman Cadet Thomas Addison, from the Royal Military College, to be Ensign, vice Nixon, 15th September 1837.

**4th Foot.**—Lieutenant Farquhar V. Campbell to be Captain, by purchase, vice Westmacott, who retires, 6th October 1837.

Ensign Charles Stanforth Hext to be Lieutenant, by purchase, vice Campbell, 6th October 1837.

Ensign William Wilby to be Lieutenant, by purchase, vice Zouch, who retires, 7th October 1837.

John Hales Glazbrook, gent. to be Ensign, by purchase, vice Hext, 6th October 1837.

**6th Foot.**—Lieutenant Andrew David Alston Stewart, from the 42d regiment, to be Lieutenant, vice Lord Charles Kerr, who exchanges, 1st September 1837.

**41st Foot.**—Lieutenant General Sir Ralph Darling, from the 99th foot, to the Colonel, vice Lieutenant General Honorable Sir Edward Stopford, G. C. B. deceased, 26th September 1837.

*Head Quarters, Simla, 16th February 1838*—No. 104. His Excellency the Commander-in Chief has been pleased to direct the publication of the following circular memorandum and letter for the information of Her Majesty's troops in India.

(CIRCULAR) MEMORANDUM.

The General Commanding in Chief desires, that all recommendations for the restoration of Service, forfeited by either non-Commissioned officers or soldiers, may be accompanied by a correct transcript of the record of the service of the individual, on a separate sheet, according to the form issued by the War Office on the 31st March 1836.

By Command, &c.

(Signed) JOHN MACDONALD, A. G.

(CIRCULAR, No. 820)

*War Office, 30th September 1837.*

G. 50045 Money paid to soldiers on their discharge for arrears of pay, or advance of pension, are frequently

— squandered before the men arrive at their places of residence, I am directed by the secretary at

— War to acquaint you, that arrangements have been made, with the concurrence of the General Commanding in Chief, for differing the payment of such sums until the men shall have reached their destinations, and to suggest, that similar directions should be given to the agent of the regiment under your command, in regard to any payments to be made to discharged men, either on account of family remittances, or out of any regimental fund which may exist, from which contributions are made to men on their discharge.

I have, &c.

(Signed) L. SULLIVAN.

OFFICER COMMANDING.

— Regt of

The leave of absence granted by His Excellency Lieutenant General Sir P. Maitland, K. C. B. to Surgeon Macdonnell, 57th foot, to proceed to England, for 2 years, from date of embarkation, on medical certificate is confirmed.

Sergeants	4	The division order by Major General Sir Willoughby Cotton, C. B. and K. C. H. of the 10th
Corporal	1	ultimo, directing the march of a detachment of
Privates	26	volunteers for Her Majesty's 49th regiment, as
Women	3	Children 6 per margin, under the command of Ensign Brock-
		man of that corps, is confirmed.

The division orders by Major General Sir Willoughby Cotton, C. B. and K. C. H. granting leave of absence to the undermentioned officers to proceed to England, each, for 2 years from date of embarkation, on medical certificate, are confirmed :

**3d Light Dragoons.**—Lieutenant E. G. Swinton.

**16th Lancers.**—Lieutenant J. O. Burridge.

**26th Foot.**—Ensign W. B. Park.

**31st ditto.**—Ensign T. J. Bourke.

The leave of absence granted by His Excellency Lieutenant Genl. Sir J. Keane, to Lieutenant Bennett, 2d foot, to proceed to England, for 2 years from date of embarkation, on private affairs, is confirmed.

The undermentioned officers have leave of absence :

**3d Foot.**—Captain G. J. Austin, from 1st May to 1st November, to visit the hills north of Deyrah, on private affairs.

**Ditto.**—Lieutenant A. J. Cameron, from 7th February to 1st May, to visit Mussorie, on private affairs.

**26th ditto.**—Captain G. Hogarth, to proceed to sea, for 6 months from date of embarkation, on urgent private affairs.

**31st ditto.**—Captain H. L. McGhee, from 1st March to 31st August, to proceed to Cawnpore, on private affairs.

**49th ditto.**—Lieutenant H. J. Turner, from 1st March to 31st August, to visit Meerut and the Hills, on private affairs.

*Head Quarters, Simla, 16th February 1838*—No. 105.—At a general court martial held at Fort William, on Monday, the 3d day of January 1838, Cornet Edmund Roche, of Her Majesty's 32d light dragoons, was arraigned on the following charge :—

**Charge.**—"For Conduct unbecoming an officer and a Gentleman, in having, on the night of the 13th of October 1837, grossly insulted Mr. Henry Pownall Sawell, third mate of the ship *Thomas Grenville*, by striking him a blow, which knocked him down."

Upon which charge the court came to the following decision : **Finding.**—"The court, upon the evidence upon before them, are of opinion, that the prisoner Cornet Edmund Roche, of Her Majesty's 3d light dragoons, is guilty of having, on the night of the 13th of October 1837, struck Mr. Henry Pownall Sawell, third mate of the ship *Thomas Grenville*; but the Court taking into consideration the great and continued provocation received by Cornet Roche, fully acquit him of the remainder of the charge.

**Sentence.**—"The court sentence the prisoner Cornet Edmund Roche, of Her Majesty's 3d light dragoons, to be severely

reprimanded in such manner as His Excellency the Commander in Chief may be pleased to direct.

Approved. (Signed) H. FANE, General,  
Commander in Chief, East Indies.

14th February 1838.

REMARKS BY HIS EXCELLENCY THE COMMANDER IN CHIEF.

The sentence of the court martial being, that the prisoner Cornet Edmond Roche should be severely reprimanded, he is to consider himself reprimanded by me accordingly.

At the same time however, that I issue this reprimand, I must remark, that the interference of Mr. Sowell, the 3d mate of the ship *Thomas Grenville*, with Cornet Roche, and the gross and vulgar language used by him, both with reference to the Irish generally, and to the Cornet personally (which language formed the probable ground for the subsequent proceedings), go far in extenuation of the Cornet's misconduct.

He is to be released from arrest, and return to his duty.

(Signed) H. F.

*Head-Quarters, Simla, 17th February, 1838.*—No. 106.—At a general court martial holden at Bellary, on Thursday, the 4th day of January 1838, Lieutenant and Brevet Captain Richard Bingham Hill, Her Majesty's 41st foot, was arraigned on the following charges:

*First Charge.*—"For Conduct unbecoming the character of an officer and a gentleman, and to the prejudice of good order and military discipline in the following instances:

"First instance. In having, at Bellary on the 16th of September 1837, absented himself without leave, from his regiment, so continuing absent until the 23d of the same month.

"Second instance. In having, near Guddakul, on the 22d of the same month, when being brought back a prisoner by an escort of the same regiment, made his escape there from, notwithstanding that he had given the sergeant of the escort his word of honor, that he would not ride out of his sight.

*Second charge.*—"For scandalous and infamous conduct, unbecoming the character of an officer and a gentleman in having, at the same place, on the 23d of September 1837, addressed an official letter to the Adjutant of the same regiment, Lieutenant Eugene James Vaughan, containing a gross falsehood."

"The above being in breach of the Articles of War."

Upon which charges the court came to the following decision:

*Finding.*—"The court having most maturely weighed the evidence brought forward in support of the prosecution on the charges, as well as what the prisoner Lieutenant and Brevet Captain Richard Bingham Hill, of Her Majesty's 41st regiment of foot, has urged in his defence, and the evidence in support thereof, is of opinion.

"That the prisoner is guilty of the first instance of the first charge, which, however the court does not consider in this instance, as conduct unbecoming the character of a gentleman."

"That the prisoner is guilty of the second instance of the first charge."

"That the prisoner is guilty of the second charge."

*Sentence.*—"The court having found the prisoner guilty to the extent above stated, doth sentence him, the said Richard Bingham Hill, Lieutenant and Brevet Captain in Her Majesty's 41st regiment of foot, to be cashiered."

Approved. (Signed) H. FANE, General,  
Commander in Chief, East Indies.

14th February, 1838.

By order of the Commander in Chief,  
R. TORRENS, Major Genl.,  
Adj. Genl. to Her Majesty's Forces in India

*Head Quarters, Simla, 19th February 1838.*—No. 170.—His Excellency The Commander in Chief has been pleased to direct the publication of the following circular letter for the information of Her Majesty's troops in India:

(CIRCULAR.)

*Horse Guards, 22d August, 1837.*

Sir,—It having appeared on the trial of Sergeant Hugh Brothn, of the 1st battalion of the Royals, before a garrison court martial at Limerick, in April last, that as hospital sergeant, he practised a course of systematic fraud, and the facts elicited upon that and other occasions, having afforded the strongest ground for belief that the case of this culprit is not singular, but, on the contrary one of no unfrequent occurrence in the regimental hospitals, I have Lord Hill's commands to direct your special attention to a subject, in which the character of the non-commissioned officers of the army, and the interests of the public, are so deeply concerned.

His Lordship desires that you consider it a most important part of your duty to examine, frequently and strictly, the Charges in the hospital accounts of the regiment (or depot, as may be) under your command;—that you particularly look, not only to the quantity of extra articles but to the prices charged for ordinary

and extra articles purchased for the hospital;—that you correctly inform yourself as to the local prices of provisions of very description, groceries, &c. which may be required from time to time, for the use of the sick;—and, that, upon the appearance of excessive charge, you take prompt measures to arrive at the truth, either by the preliminary investigation of a regimental board, consisting of three officers, where the case admits of doubt, or by bringing the accused to trial, when the facts present themselves to your mind in a conclusive shape.

Lord Hill assures himself, that no effort will be wanting on your part, to give due effect to these instructions as well as that you will derive the most zealous support from the medical officers of the regiment committed to your charge.

His Lordship strenuously recommends, that, in your ordinary visits to the hospital (as enjoined by Her Majesty's regulations) you invariably examine the various items of hospital expenditure.

I have the honor to be, Sir,

Your most obedient, humble Servant,  
(Signed) JOHN MACDONALD,  
Adjutant General.

*Head Quarters, Simla, 22d February, 1838.*—No. 99.—The Commander in Chief has been pleased to make the following promotions until Her Majesty's pleasure shall be known.

62d Foot.—Lieutenant Colin Buchanan to be Captain, without purchase, vice Moore deceased, 15th January 1838.

Ensign John Grant to be Lieutenant, without purchase, vice Buchanan promoted, 15th January 1838.

His Excellency the Commander in Chief has been pleased to promote the undermentioned officers to the rank of Captain, by Brevet, in the East Indies only.

4th Foot.—Lieutenant J. Cameron, from 24th December 1828.

19th ditto.—Lieut. A. R. Marshall, from 15th August 1830.

The leave of absence granted by His Excellency Lieutenant General Sir J. Keane, K. C. B., to Lieutenant and Adjutant D. Cooper, 17th Foot, to proceed to England for 2 years from date of embarkation, on medical certificate, is confirmed.

The leave of absence granted by His Excellency Lieutenant General Sir P. Maitland K. B. C. to Lieutenant G. F. McKenzie 41st Foot, to proceed to Bombay on medical certificate, from 25th January to 24th July next, is confirmed.

The regimental order by the officer commanding 3d light dragoons dated the 17th December 1837, appointing Lieutenant G. Forbes to act as interpreter to the regiment, until its arrival at Cawnpore, is confirmed, as a temporary arrangement.

St. Maj. Barnwell. The station and regimental order issued Capt. C. Douglas by the officer commanding the 9th foot, dated St. Maj. Hartman, the 16th, 20th and 23d January last, directing Capt. J. Hamill, the officers of that corps, named in the margin

to proceed on duty, to Fort William, by water, Lieut. W. B. Farrant and to return in like manner after its completion, in conformity with division

Lieut. & actg. Adj. orders by the officer commanding prapendancy division, are severally confirmed.

Assist. Surgeon J. The undermentioned officers have leave of absence:

4th Foot.—Lieut. J. Espinasse, to England, for the purpose of retiring on half-pay, and will report himself to the Adjutant General, horse guards upon arrival.

16th ditto.—Lieut. F. Casidi, from 1st March to 20th February 1839, to Lanouur on medical certificate.

31st ditto.—Captain and Brevet Major H. C. V. Courtten drom 10th May to 10th November next, to Loodannah, and the hills north of Deyral, on private affairs.

*Head Quarters, Simla, 24th February 1838.*—No. 110.—At a general court martial holden in a tent near Poonah, on Monday, the 22d day of January 1838, Lieutenant O. E. Cuyler, Her Majesty's 2d, or Queen's royal regiment of Foot, was arraigned on the following charges:—

*1st Charge.*—"For disgraceful and scandalous conduct, unbecoming the character of an officer and a gentleman, in the following instances: viz.

"First. In having, in cantonment near Belgium, on or about the 27th June 1827, and on subsequent days, asserted to pay master J. S. Darby of the same regiment, a gross and wilful falsehood, reflecting on the character of his senior and superior officer Captain H. D. Keith of the same regiment, by stating, that he (Lieutenant Cuyler) had, at the mess of the officers of the regiment, on the march from Vingoria to Belgium, on or about the 13th January 1827, addressed most appropriate language to Brevet Captain Keith, reflecting on his honor and honesty, and that he (Captain Keith) had taken no notice of the same.—Whereas, no such language had ever been addressed by Lieutenant Cuyler to Captain Keith.

"Second. In having, at Belgium, on the 29th June, 1837 dictated to private Thomas Sinnott, of the 2d, or Queen's royal regiment of foot, a paper containing false and scandalous assertions against the character of Brevet Captain Keith to the effect a set forth in the preceding instance, thereby infamously and falsely

# GENERAL REGISTER.

trading the character of Captain Keith to a private soldier of the same regiment, and tending to degrade Captain Keith's character in the estimation of the said soldier, and the other soldiers of the corps.

**2d Charge.**—"For scandalous and disgraceful conduct, undermining the character of an officer and a gentleman, in having, in cantonment near Belgium, on or about the 10th June 1837, asserted a wilful and deliberate falsehood to the aforesaid paymaster, J. S. Darby, by stating to him, that Brigadier General Salter, commanding the southern division of the army, had, some time previously, gone into his (Lieutenant Cuyler's) tent, when he (Lieutenant Cuyler) was under arrest for all-ged misconduct at the mess, and that he (the Brigadier General) had then and there listened to the reflections referred to, in the preceding charge, against the character of Captain Keith; such false statement on the part of Lieutenant Cuyler, being derogatory to the professional character of Brigadier General Salter, his superior officer."

Upon which charges the court came to the following decision:

**Finding.**—"The court having naturally weighed and considered what has been adduced in support of the prosecution, together with what the prisoner Lieutenant G. E. Cuyler, Her Majesty's 2d or Queen's royal regiment of foot, has brought forward in his defence, is of opinion, that he is

"Guilty of the first charge preferred against him in the first instance.

"Guilty of the second instance of the same.

"Guilty of the second charge.

**Sentence.**—"The court having found the prisoner guilty as above specified, in breach of the articles of war, in such cases made and provided, does adjudge him, Lieutenant G. E. Cuyler to be cashiered."

Approved,

(Signed) H. FANE, General,  
Commander in Chief, East Indies,

26th February 1838.

By Order of the Commander in Chief,  
R. TORRENS, Major Genl  
Adj. Genl. to Her Majesty's Forces in India.

**Head-Quarters Simla, 24th February 1838.**—No. 141.—The following abstract statement of receipts and disbursements of the military fund for the benefit of the widows and children of officers of Her Majesty's regiments, serving in the East Indies, during the year ending 31st December 1837, is published for general information:

## RECEIPTS.

By cash balance on the 1st of January 1837,...	10,754	14	11
" Government donation for the year ending 31st March 1837,.....	6,000	0	0
" Interest on Government securities,.....	3,516	2	0
" Amount of subscription received as per detailed account No. 1,.....	19,906	9	2

Sicca rupees,....40,267 10 1

## DISBURSEMENTS.

To amount paid for four 3d 4 per cent. Govt. notes, Nos. 896, 7181, 2109 of 9344 and 2061 of 8447, for .....	9,273	5	9
" ditto for 1/4 per cent. Govt. note, No. 5910, for Co.'s Rs 700 .....	639	9	1
" established office allowance for a writer, stationery, &c from 1st Oct. 1836 to 30th Sept. 1837,....	960	0	0
" amount awarded to the families of deceased officers, as per list No. 2,.....	11,216	8	4
Government agent's commission, brokerage and other charges, .....	101	3	6
Cash balance, Sa. Rs.....	22,190	11	0
	18,076	16	1

## ASSETS.

Cash balance as above, in Govt. Agent's hands,.....	18,076	15	
3 second 5 per cent notes:— No. 8971 of 1875 20, dated 15th Sept. 1837, for sicca rupees.....	3000		
13546 of 1825-26, dated 12th June 1828, for sicca rupees.....	4500		
16 third 4 per cent notes:— No. 395 of 1832-33, dated 1st May 1832, for sicca rupees.....	4,400		
526 of 5403 of '22-23, May 1, 32ar. 18,000 .....	3430		
" 2061 of 8447,.....do.....	500		
" 2109 of 9344,.....do.....	1,700		
" 2341 .....	11,200		
" 2907 .....	800		
" 2061 of 12243.....do.....	8,300		
" 4131 .....			

5274 ..do ..do....	3,000
6996 ..do ..do....	3,500
7181 ..do ..do....	1,000
9963 ..do ..do....	8,000
10-04 ..do ..do....	500
10619 ..do ..do....	10,000
12426 ..do ..do....	3,000
17745 ..do ..do....	4,200
	76,500

1/4 per cent. note:—

No. 5910 of 1-35-36 dated 31st March 1836, Co.'s Rs.....	700	656	4	0
			1,02,733	3 1

## LIABILITIES.

Award passed, but passage money, and travelling expenses not yet paid to the widow and 5 children of a Lieutenant, 41st regiment .....	3,600	0	0
Established allowance for writer, stationery, &c. for quarter ending 31st December 1837,.....	240	0	0
			8920 0 0

(Signed) R. H. STRONG.

Pay Master H.M. 26th, Regt.

Actg. for Committee of Genl. Management.

Fort William, 31st December, 1837.

Certified, we have examined the Accounts and find them correct.

(Signed) W. JAMES, Lieut. Col-nr,

Commanding H. M. 26th Regt.  
G. HOGARTH, Capt. H. M. 26th Regt.

## LIST NO. 1.

Subscription received from 1st January to 31st December 1837			
Major Genl. James Watson, C. B., from 1st April 1836 to 31st January 1837, .....	187	8	0
Major General Hon. J. Ramsay, from 1st January 1845 to 31st December 1846, .....	450	0	0
Major General Sir D. Ximenes, K. C.H., from 1st June 1836 to 31st March 1837,.....	92	12	0
Major General R. Torrens, C. B., Adjutant General, from 1st January 1835 to 31st December 1835, .....	125	0	0
Major General Sir J. Dickson, K. C. B., Qr. Mr. Genl., from 1st January 1836 to 31st December 1836, .....	125	0	0
Major General Oxlander, from 1st January 1837 to 31st December 1837,.....	84	6	0
Br. Maj. Halford, 44th Ft. Brig. Maj. Fort Wm., from 1st October 1836 to 30th September 1837, .....	45	0	0
Doctor McLeod, Inspector Genl. of hospitals, from 23d July 1835 to 31st March 1837,.....	92	13	0
Capt. Barnes, 4 at foot, brigade Major, Bombay, from 1st October 1836 to 30th September 1837, .....	67	8	0
4th Light dragoons, from 1st October 1836 to 30th September 1837,.....	351	11	9
11th ditto, ditto ditto,.....	257	12	0
12th ditto, ditto ditto,.....	610	8	0
16th Lancers, ditto ditto,.....	785	19	0
2d Foot, from first Jan. 1836 to 31st Dec 1836, .....	1003	12	0
3d ditto, from 1st Oct. 1836 to 30th Sept. 1837, .....	408	12	0
6th ditto, ditto ditto, .....	190	13	9
9th ditto, ditto ditto, .....	504	11	0
13th ditto, ditto ditto, .....	855	5	0
16th ditto, ditto ditto, .....	761	4	0
17th ditto, ditto ditto, .....	629	5	5
24th ditto, from 1st Nov. 1836 to 30th Nov 1837, .....	58	8	5
24th ditto, from 1st Oct. 1836 to 30th Sept 1837, .....	61	4	0
30th ditto, ditto ditto, .....	1126	12	8
30th ditto, ditto ditto, .....	509	2	0
40th ditto, ditto ditto, .....	421	14	0
41st ditto, ditto ditto, .....	727	13	0
44th ditto, ditto ditto, .....	432	8	0
45th ditto, ditto ditto, .....	987	3	0
49th ditto, ditto ditto, .....	1270	12	11
54th ditto, ditto ditto, .....	102	8	0
55th ditto, ditto ditto, .....	971	6	2
57th ditto, ditto ditto, .....	433	2	0
62d ditto, from 1st July 1836 to 30th June 1837, .....	105	11	1
63d ditto, from 1st Oct. 1836 to 30th Sept. 1837, .....	1024	11	0
Total, Sa Rs.....	19,906	9	2

## LIST NO. 2.

Statement of Relief afforded by the Fund from 1st January to 31st December 1837.

To two children of a Captain 11th dragoons, who died at Meerut, maintenance for each child, .....	120	0	0
at 60 rs each .....	1000	0	0
Passage money at 500 ditto, .....	500	0	0
Travelling expenses and attendance, .....	500	0	0
Total, awarded Co.'s Rs., .....	2700	0	0
			2531 4 0



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To the widow and one child of a Major, 13th dragoons who died at Bangalore, on the 26th Nov 1836, maintenance for two months,....	1500	0	0
25 days' travelling allowance from Bangalore to Madras .....	650	0	0
Passage money to the widow, ....	2000	0	0
Ditto for one child, .....	500	0	0
Travelling expenses from London to Bally Shannon, Ireland, 379 miles .....	£ 23	5	0
<b>Total, awarded Co.'s Rs...</b>	<b>4942</b>	<b>0</b>	<b>0</b>

To the widow and one child of a Lieutenant, 20th foot, who died on Board the ship <i>Jove</i> , in the Madras roads, 24th February 1817, maintenance for two months,...	401	8	0
Passage money to the widow, ....	1500	0	0
Ditto for one child, ....	600	0	0
Travelling expenses for herself and child, from Portsmouth to Derby, 193 miles, £ 14 17...	142	9	0
<b>Total, awarded Co.'s Rs.</b>	<b>2544</b>	<b>1</b>	<b>0</b>

To the widow of a Lieutenant, 11th dragoons, who died at Meerut, on the 1st August 1836, Maintenance for three months, or in full of all demands against the fund, .....	885	12	0
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To the widow and five children of a Lieutenant, 41st regiment of foot who died at Bellary, on the 22d May 1837, Maintenance for two months,....	510	0	0
One month and 15 days travelling allowances from Bellary to Madras, .....	382	8	0
Passage money for the widow, ..	1500	0	0
Ditto for 3 first children, .....	1500	0	0
Ditto for remaining two children, Travelling expenses from London to Brighton, 66 miles, £ 8 10 .....	80	0	0
<b>Total, awarded Co.'s Rs.</b>	<b>4572</b>	<b>8</b>	<b>0</b>

Paid on account of maintenance and travelling allowance, .....	892	8	0
<b>Total, Sa. Rs .....</b>	<b>11,216</b>	<b>8</b>	<b>0</b>

It may be satisfactory to add, that the awards paid to the families of deceased officers by this Institution since its establishment in 1826, amount to sixce rupees two lacs, ninety five thousand, seven hundred and three, six annas and ten pices, .....

*Fort William: Queen's Military Widows' Fund Office, 31st Dec. 1837.*

*Head Quarters Simla, 1st March 1838.*—No. 112.—Her Majesty has been pleased to make the following promotions and Appointments in the regiments serving in India:

4th Foot.—Lieutenant Thomas Fauce to be Captain, by purchase, vice Londale, who retires, 23d June 1837.

Ensign J-ha Henry Day Ruxton to be Lieutenant, by purchase vice Fauce, 22d June 1837.

Joseph Palmer, gent. to be Ensign, by purchase, vice Ruxton, 23d June 1837.

26th Foot.—Ensign Charles Cameron to be Lieutenant, without purchase, vice Heming deceased, 22d September 1837.

Ensign John Wright, from the half pay of the 96th regiment to be Ensign, vice Cameron, 23d September 1837.

Quarter Master Sergeant John Cumming to be Ensign, by purchase, vice Wright who retires, 23d September 1837.

92d Foot.—Captain Henry Croly, from the half-pay, unattached to be Captain, vice Lane, appointed Pay Master, 29th September 1837.

Captain Richard Lane to be Pay Master, vice Foster appointed pay master of a recruiting district, 29th September 1837.

To be Captain without purchase.—Lieutenant Robert Stuart Ridge, from the 13th light dragoons, 29th September 1837.

The Christian name of quarter master Sheridan, of the 13th foot, is Mark.

The leaves of absence granted by His Excellency Lieutenant General Sir P. Maitland, K.C.B., to the following officers, are confirmed:

4th Foot.—Lieutenant R. Hawkes, for 3 months from date of embarkation, to Calcutta, on private affairs.

57th ditto.—Captain T. Shadforth, to England, for 3 years from date of embarkation, on private affairs.

The division orders by Major General Sir Willoughby Cotton, C.B. and K.C.H., of the following dates, are confirmed:

15th February 1837.—Appointing Lieutenant Haddell, 3d light dragoons, to the command of a detachment of that, and other corps, proceeding to Cawnpore, by water.

16th February 1837.—Granting leave of absence to Captain D. MacAndrew, 49th regiment, to proceed to England, for 2 years, from date of embarkation, on medical certificate.

The regimental order issued by the officer commanding the 9th Foot, dated 9th February 1838, directing the officers, named in the margin, to proceed to Barrackpore, on Court Martial Duty, by water, and to return in like manner after its completion is confirmed.

The leave of absence granted in division orders by Major General Sir Willoughby Cotton, C.B. & K.C.H., to Ensign T. Bourke, 31st Foot, to proceed to England, on medical certificate, and confirmed in the general order No. 104, of the 15th February 1838, is cancelled at the request of that officer.

The leave of absence granted to Lieutenant J. H. Shadforth, 57th foot, in the general orders No. 85, of the 14th December 1837, to proceed to England, for 3 years, on private affairs, is cancelled.

The undermentioned officers have leave of absence:  
3d Light Dragoons.—Lieutenant J. Martin, to proceed to the presidency, and eventually to England, for 2 years from the date of embarkation, on private affairs.

3d Foot.—Pay Master J. Lukis, from 15th March to 15th November 1838, to Mussoorie, on medical certificate.

Captain Carmac will perform the duties of regimental pay master, during the absence, and on the responsibility of, pay master Lukis.

15th Foot.—Major E. T. Thompson, from 10th May to 9th November 1838, to Simla, on private affairs.

45th ditto.—Lieutenant J. C. Campbell, to remain at Calcutta till the 31st March (instant) on private affairs.

By order of the Commander in Chief.

*Head Quarters Simla, 8th March, 1838.*—No. 114.—The regimental order by the officer commanding the 17th Foot dated the 15th ultimo, appointing Lieutenant Owen to act as Adjutant to that corps, from the 1st February 1838, during the absence of Lieutenant and Adjutant Cooper, proceeded on leave to England, is confirmed.

The leave of absence granted by His Excellency Lieutenant General Sir P. Maitland, K.C.B., to the undermentioned officers, are confirmed:

13th Light Dragoons.—Cornet C. H. D. Donovan, to England for 1 year from date of embarkation, on urgent private affairs.

41st Foot.—Captain J. Simmons, from 25th January to 24th July next, to Bombay, on medical certificate.

The undermentioned officer has leave of absence.

16th Foot.—Lieutenant H. D. Gibbs, in extension, from 15th to 31st January 1838, to enable him to rejoin.

*Head Quarters Simla, 15th March, 1838.*—The Commander in Chief in India has been pleased to make the following Appointment to His Excellency's personal staff.

Ensign R. H. Yen, of the 13th light infantry, to be Aide-de-camp, from the 1st of March, instant.

The Commander in Chief has been pleased to make the following promotion until Her Majesty's pleasure shall be known:

3d Foot.—Ensign W. J. Dorehill to be Lieutenant, without purchase, vice Withworth deceased, 10th March 1838.

The Order by Captain C. F. Thompson, 16th Foot, commanding detachments of Her Majesty's troops, proceeding to the upper provinces, by water, dated 25th February 1838, appointing the following non-commissioned acting staff, is confirmed:

Acting Provost Sergeant James Warren, 16th Foot, to act as Sergeant Major, vice O'Connor, 21st, who has joined his corps.

Acting Sergeant Timothy McNamara, 16th Foot, to act as Provost Sergeant, vice Warren.

Acting Corporal John Jackson, 16th foot, to act as sergeant, vice John Carr, 31st, who has joined his corps.

Acting Corporal Patrick Murphy, 16th Foot, to act as Sergeant, vice Hedderley, 31st, who has joined his corps.

Privates William White, and William Read, 16th Foot, to act as corporals.

The leaves of absence granted by His Excellency Lieutenant General Sir P. Maitland, K.C.B. to Lieutenants T. Parker, and W. M. Julius, of the 13th Light Dragoons, to proceed to England, each for two years from date of embarkation, on medical certificate, are confirmed.

The undermentioned officers have leave of absence:

3d Foot.—Lieutenant Colonel and Colonel J. Dennis, from 1st April to 1st October next, to Mussoorie, on urgent private affairs.

13th light infantry.—Lieutenant W. Deane, from 20th March to 1st December next, to Landour, on medical certificate.

Ditto.—Lieutenant A. E. F. Holcombe, from 1st May to 31st October next, to Simla, on private affairs.

Ditto.—Ensign J. Oxley, ditto.

Ditto.—Ensign G. Mein, from 1st May to 1st October next ditto ditto.

# GENERAL REGISTER.

*Ditto*—Lieutenant J. S. Wood, from 1st April to 1st May next, to enable him to join.  
*Ditto*—Ensign G. Wade, ditto ditto.  
 31st Foot—Lieutenant R. E. S. Hutchinson, for 2 months, to Calcutta, and thence to England, from date of embarkation, and will report his arrival at the horse guards.  
 44th *Ditto*—Captain E. L. Estrange for two months, to the pre-

sidency to appear before a medical board.  
 62d *Ditto*—Lieutenant F. E. Scobell, to England for 2 years from date of embarkation, on urgent private affairs.

By Order of the Commander in Chief,  
 R. TORRENS, Major Genl.  
 Adj. Genl. to Her Majesty.

## SHIPPING INTELLIGENCE.

### ARRIVALS AT KEDGEREE.

March 1st—English Schooner *Guyne*, J. Fairweather, from Moulmein 4th February.  
 3d.—H. M. Ship *Wolf*, Capt. E. Stanley, from Madras 18th Feb.; English Barque *Ariel*, W. Warcup, from China 3d Feb.  
 5th—French Ship *Vernat*, P. Herrichon, from Bourbon 21st January.  
 7th—English Barque *Catherine*, A. Brown, from Cape of Good Hope 12th January; English Ship *Hegwood*, J. Jones, from Liverpool 17th August.  
 8th—English Barque *Gilbert Munro*, Jas. Nicholson, from the Mauritius 17th January; English Barque *Elephantia*, J. Buchanan, from Liverpool 5th November; English Barque *Sophia*, J. Grimwood, from Bombay 24th January, and Annanore 7th February; English Ship *Donna Pascoa*, J. Hullock, from the Mauritius and Ceylon (no date); and Point de Galle 23d February.  
 9th—English Ship *Sultana*, J. Page, from Bombay 22d January and Allepe (no date); H. C. Steamer *Diana*, S. Cougallan, from Moulmein (no date) and Amherst 28th February.  
 12th.—French Barque *Clio*, P. Le Rosignol, from the Mauritius 23d January; English Barque *Calcutta*, T. H. Beutley, from Moulmein 24th and Amherst 26th February.  
 15th.—H. C. Brig *Krishna*, T. C. Robson, from Kyook Phyo 2d, and Akyab 9th March.  
 16th.—English Ship *Roberts*, B. J. Elder, from London (no date) Portsmouth 6th November, Cape 8th January, and Madras 8th March.  
 18th.—French Ship *Atlas*, Gullet, from Bourbon 15th Jan.  
 20th.—English schooner *Elizabeth*, J. Glass, from Colombo 2d and Point de Galle 6th March; English Ship *Jetta*, R. Richards, from China 27th January, Singapore 10th and Penang 22d February; English Barque *Cashmere Merchant*, R. Smellie, from Moulmein 27th February.  
 22d.—English Brig *Jessy*, J. Auld, from Penang 15th Feb.  
 26th.—H. M. Ship *Rattlesnake*, Captain W. Hobson, from Amherst 2d, and Rangoon 11th March.  
 The *Jellingshoe* in tow of the *Thames* arrived on the 13th, with the following passengers.—Mr. and Miss Brieizcke, Miss Sweedland and J. Martin, Esq., 11th Dragoons.  
 The *Matabana*, in tow of the *Lord William Beutley*, from Allahabad to Calcutta, passed Gausepore on the 14th instant, with the following passengers.—From Allahabad—Dwarkanauth Tagore, Esq., Baboo Chundernauth Chatterjee; Dr. McWhir.—From Mirzapore—Mrs. and Miss Fagan, for Calcutta, Mr. W. Arnew; for Rampore Bawleah—From Benares—Miss Millet and Mrs. Hogg, for Calcutta.

### ARRIVALS OF PASSENGERS.

For *Ariel*, from China.—William McTaggart, T. Scott, and G. M. Sherien, Esqrs, merchants, and Capt. J. Hudson, of the *Isabella Robertson*.  
 For *Diana*, from Moulmein.—Dr. Richardson, Surgeon.  
 For *Clio*.—Mr. and Mrs. T. Francis.  
 For H. C. Brig *Krishna*, from Kyook Phyo.—Mrs. Parker, 28 Sepoys, 67th N. I., and 2 convicts. From Akyab—Captain Edwards, 14 Convicts, 1 Duffadar and 4 Sepoys, Guard.  
 For *Roberts*, from London.—Hon. Mr. and Mrs. Amos, and 2 Children; Major Andrews, H. M. 3d Dragoons; Mr. Toane, C. S.; Baron Von Stoung, H. M. 13th Regt.; Mr. Bennet; Mr.

Barettee; Mr Chamberlain, Cadet; Messrs. J. Hampton, G. Hampton and Higgins. *Steering Passengers*.—Messrs. Heritage and Stoddart, and 2 Privates, H. M. S.—From Madras.—Mr. Seth. *Per Cashmere Merchant*.—Mrs. Smellie; Lieut. H. B. Herbert, 7th Regt. M. N. I.  
 For *Elizabeth*.—Mrs. Glass; A. W. Glass, Merchant.

### DEPARTURES FROM CALCUTTA.

March 7th.—Belhaven, B. W. Crawford, for Bussorah and Bushire.  
 8th.—Susan, J. Young for Liverpool.  
 9th.—London, M. King, for Liverpool; Sir Edward Ryan, H. Pyhus, for Singapore and China.  
 March 10th.—Cecilia, Levesque, for Bourbon; Astronome, G. Bernart, for Bourbon; Francis Warden, Nacoda, for Bombay.  
 12th.—Haidre, A. Symers, for Mauritius; John Adam, E. D. O. Eules, for Persian Gulph.  
 14.—Eacles, R. Paul, for Liverpool; Royal Saxon, R. Renner, for London; Bright Planet, A. Steel, for Australia; Ann, J. McGowan, for China; Revolution, A. R. Dixon, for Madras.  
 19th.—Baboo, G. B. Brock, for London; Annand Chandler, G. S. Jones, for Khyook Phyo and Moulmein.  
 20th.—Morton, McCarthy, for London; Ariel, W. Warden, for Singapore and China.  
 21st.—Euphrasia, A. Payet for the Mauritius.  
 23d.—Doer, J. Austen, for Boston.  
 30th.—John Hepburns, B. Robertson, for Moulmein and Rangoon; Catharina, A. Brown, for Cape of Good Hope.  
 29th.—Soubrow, W. Smith, for Point de Galle.  
 30th.—Donna Maria, H. R. Bowman, for Stockholm; Volenteer, A. McMinn, for Singapore and China; Frasnquita, P. Herrichon, for Bourbon.

### DEPARTURES OF PASSENGERS.

Per *Marion*.—Mrs Davidson, Mrs. McDonald, Miss Courtn and signora Schieroni; C. D. Davidson, Esq., C. S.; Dr. Munro; Capt. McAndrews; Lieut. MacDonald, R. N.; C. Hutchins, Esq. Capt. Fraser; Lieut. Catherly, 13th Dragoons; Capt. C. Gover Lieuts. Phillipot and Ramsay; L. Playfair, Esq.; Masters Davidson and Hogarth, and 2 Masters Goodfellows; and Miss Davidson.  
 Per *Ariel*, for China.—Capt. John Hudson. For Singapore.—Mrs. Durham and Child;—Durham Esq., C. S. and Mr. Johannes.  
 Per *Indiana*, for London, via Cape and St. Helena.—Mrs. Harrison and Lieut. Martin.  
 Per *Scotstar*, for London.—Mrs. Yates; Miss Deane; A. Charlton, Esq.; E. W. Dougson, Esq.; Cornet Shute; Lieuts. Turner, and Fisher.  
 Per *Soubrow*, for Point de Galle.—Mrs. Falton and Child, and Mr. Fulton.  
 Per *Eudora*, for Hobart Town.—Mrs. Loughnan; Lieut. Loughnan; Messrs Twisden, Dennis and Sutton.  
 The *Soorma*, in tow of the *Jumna*, left Calcutta on Monday for the Western Provinces, with the following passengers:—To Allahabad—Miss Roberts, Miss Hamilton, and Lieutenant Thomas. To Mirzapore—Captain Manning. To Ghazepore.—Rev. Mr. A. Hammond; Miss Read and Captain and Mrs. Maitland. To Dinapore.—Miss Bridgman. To Rampore Beaurak.—F. A. Lushington, Esq., and E. Wylie, Esq.

## DOMESTIC OCCURRENCES.

### BIRTHS.

Jan. 10 At Nussacrabad, the lady of Surgeon Dalrymple, 9th light cavalry, of a son.  
 23. At Hoshungabad, the lady of Lieutenant MacGregor, 65th regiment native infantry, of a son and heir.  
 26. At Nussacrabad, the lady of Capt. H. N. Worsley, 74th regt. N. I., of a daughter.  
 Feb. 4. At Arrah, Shahabad, the lady of Stanlake Henry Batson, Esq., Civil Assistant Surgeon, of a daughter.  
 7. At Neemuch, the lady of Captain R. F. Macville, 49th regiment native infantry, of a son.  
 10. At Jubbulpore, the lady of Major William Henry Sleeman, 1st regiment of native infantry, of a daughter.  
 —At Agra, Mrs. Ann Panton, of a son.  
 14. At Gazeepore, the wife of Mr. J. Pitts, Apothecary, H. M. 44th regiment, of a daughter.

16. At Sons Sand, Prince of Wales' Island, the lady George Stuart, Esq., of Penang, of a daughter.  
 16. At Haussabad, in the Moorsadabad division, the lady Capt. Blonie, Browne, Art. of a son.  
 19. Upon the river, near Sacregally, the lady of Captain G. W. Phillips, of a son.  
 22. At Kurnaul, the lady Captain H. Garbett, artillery, of a daughter.  
 23. At the General Hospital, Mrs. Berkeley, of a son.  
 —At Futtighur, Mrs. Charlesutherland, of a daughter.  
 24. At Calcutta the wife of Mr. James Stark, of a son.  
 26. At Calcutta, Mrs. J. P. Green, of a daughter.  
 —At Calcutta, the lady of A. A. Anthony, Esq., of a daughter.  
 27. At Calcutta, Mrs. Thomas Lakin, of a son.  
 —At Humcepore, Mrs. R. C. Warner, of a daughter.  
 Mar. 2. At Dinapore the lady of Lieut. Danbar, H. M. 3rd regt., of a daughter, still-born.

# GENERAL REGISTER.

— At Pussawa, Jnanpore, the lady of Vincent T. gear, Esq. of a son.

3. At Bangalore, the lady of Capt J. C. Coffin, Paymaster, in Mysore, of a son, still born.

4. At Cawnpore, rs John Beaumont, of a son.

5. At Semulbaru Factory, Purneah, the lady of G Walker, Esq., of a daughter.

— At Benares, the lady of Major Sibbald, 41st N. I., of a daughter.

6. At Calcutta, Mrs F. T. Fergusson, of a son.

— At Mooradabad, the lady of J. Towgood, 35th regiment, of a daughter.

7. At Calcutta, Sohhabannar, Rajah Rajkissen's house, the wife of Rajah Appurvakrishna Bahadur, of a son.

— At Esplanade Row, the lady of J. F. Leith, Esq. of a daughter.

— At Al'ahabad, the lady Lieut. Alston, of the 68th regt. N. I. of a daughter.

8. At Benares, the lady of C. C. Pigot, Esq., 18th regiment native infantry, of a son.

— At Calcutta, Mrs F. Bozalt, of a still-born son.

— At Kurnaul, the lady of J. K. Colvin, Esq., of a son.

9. At Benares, the lady of Lieut. Howarth, 39th regt. B. N. I., of a daughter.

— At Ajmere, the wife of Mr. G. D. Boyd, Head Clerk to the Superintendent, of a daughter.

12. At Calcutta, the lady of L. A. Richy, Esq. of a son

15. At Benares, the lady of Li-nt. F. W. Burkinoung, of a son

— At Calcutta, Mrs. A. Smith, of a son.

— At Agra, Mrs James Stuart, of a son

17. At Pussawa, Factory Zillah Rajeshye, Mrs. A. C. Monnier, of a son.

19. At Barrackpore, the wife of Quarter Master Sergeant Hollinsworth, of a daughter

21. At Calcutta, Mrs P. Victor, of a daughter.

22. At Calcutta, Mrs Jane Dunnett, the wife of Mr. J. L. Dunnet, Veterinary Surgeon, of a daughter.

26. At Dum Dum, the lady of Alexander Humphrys, Esq., of the Horse Artillery, of a daughter

27. In Sudder street, Chowringhee, the lady of Lieut. C. W. Montiron, N. I., of a son.

28. At Calcutta, the lady of N. C. Biale, Esq., of a daughter.

29. At Calcutta, Mrs. F. H. Petersen, of a son

30. At Calcutta, the lady of the Revd. A. B. Lish, of a daughter.

31. At Calcutta, the lady of James Ogilvie, Esq. of a son

— At Deyrah, in the Dhoon, lady of Captain John Fisher, of a daughter.

## MARRIAGES.

Feb. 2. At Saugor Central India, by Major-General Sir T. Anbury, C. B. Commanding the Saugor division, Lieutenant W. Bignall, 60th regiment native Infantry, to Miss M. Kyd.

13. At Calcutta at the Principal Roman Catholic Church, by the Rev. Antonio da Santa Maria, Mr J. H. Peters, Watchmaker, to Miss Henrietta Rittman

20. At Puthighur, at Christ Church, by the Rev. W. Starrock A. B. Mr John O'Brien Kew, head clerk magistrate's office, Shahjehanpore, to Miss Ma la Tutty.

21. At Saint Peter's Church, Mr. W. Mar in, of the Iro. Bridge Department, to Mary Elizabeth, eldest daughter of Capt H. Smith.

— At Calcutta, at the Old Church, by the Venerable the Archdeacon, Mr. W. Riddale, of Bi-hop's College, to Henrietta Ruthman, second daughter of the late J. U. Sheriff, Esq.

— At Chinsurah, by the Rev. Mr. Rudd, C. D. Quinton, Esq., to Mrs. T. Elizabeth, relict of the late Charles Barber, Esq. of Chinsurah.

24. At Calcutta Mr. V. Rees, to Miss Eliza Jones, eldest daughter of the late Mr. James Jones, of Ireland.

— At Fort William at St. Peter's Church, by the Rev. O. Ruspini, Mr. J. Jeffereis, formerly Sergeant Major to the 1st battalion artillery, to Mrs. Sarah Buchanan.

27. At the Scotch Kirk, by the Rev. Mr Charles, Mr. Augustus Frederick Langer, to Miss Sarah Colgan.

28. Agra by the Rev. Gregory Mary de Bénéé, Catholic Apostolic Missionary, and afterwards at the Protestant Church, by the Rev. R. Chambers, Arnold Henry Matthews, Esq., of Alumbund near Allahabad, to Mary Eleanor, eldest daughter of the late Captain John Camin Carne, of the Honorable East India Company's Bengal Artillery.

29. At Calcutta, at the Armenian Church, by the Rev. David Mackerlich, M. Ter Aratoon, Esq., to Miss Elizabeth Carapiet, second daughter of Carapiet Mackerlich, Esq.

Mar. 1. At the Cathedral, by the Rev. H. Fisher, P. P. Carter, Esq. of Bhojopore, to Sarah Adeline, eldest daughter of the late J. W. Rickitta, Esq.

— At Calcutta, at the Scotch Kirk, by the Rev. James Charles, Senior Chaplain, Capt. William Prescott, of the Madras native infantry, to Eliza Jane, eldest Daughter of the Honorable Alexander Ross.

— At Benares, by the Rev. W. Smith Richardson Nicholson, Esq., to Miss Eleanor Watson.

5. At Dacca, by the Rev. H. R. Shepherd, George Henry Lamb, Esq., to Miss Georgina M. Lamb.

8. At Chinsurah, by the Rev. J. Rudd, John Frederick Field Esq., Lieutenant in Her Majesty's 9th regiment, to Mary, the only daughter of Lieutenant H. B. Farrant, of the same corps.

— At Cawnpore, by the Rev J. Jennings, M. A., Cornet H. Y. Bazett, 5th light cavalry, to Louisa Colebrooke, youngest daughter of the late John Bruce, Esq., of the Honorable East India Company's medical service.

10. At Calcutta at the Cathedral, by the Rev. Henry Fisher, Werner Cuthery, Esq. of Her Majesty's 11th regiment of light dragons, to Jane Jannet Hoesason, surviving daughter of the late Thomas Hoesason, Esq., formerly of Banklands, near Lynn, in the County of Norfolk.

— At Barrackpore, by the Rev. A. Hammond, A. B. Charnock, Fazley Harrison, Esq. 65th regiment native infantry, to Mary Anne fifth Daughter of the late Captain Tritton, Her Majesty's 24th dragons.

12. At Calcutta, at the Cathedral, by the Rev. H. Fisher, Mr. William Nell Dodin, Sergeant Major 67th regiment native infantry to Miss Margaret Alroy.

— At Chinsurah, by the Rev. J. H. A. Rudd, A. B. J. Saukey Esq., of H. M. 9th regt, of foot to Mrs. Sarah Anne Bromly.

15. At Calcutta, at St. Andrew's Church, by the Reverend Mr. McDonald, James Adves, Esq. to Miss Flora Lyon.

— At Meerutt, at St. John's Church, George Larkins, Esq. horse artillery, to Emma Carnahan.

20. At Allahabad, by the Rev. J. H. Pratt, A. M., John Theophilus, Revaz, Esq. of the Bengal Civil Service, to Mary, eldest daughter of William Lambert, Esq., of the same service.

— At Calcutta, at the Cathedral, by the Rev. A. Garstin, Mr. Robert Godfree, to Miss Anne Margaret Hamilton.

29. At St John's Cathedral, by the Venerable the Archdeacon, Mr. J. B. M. Ross, to Miss Letitia Powers, only daughter of Mr. P. W. Powers.

Eurore.—The Rev. R. Crosse, son of a Crosse, Esq. of Eyre Court, Bromfield, to Eliza Mary, widow of the late Lieut. Archer, H. M. 10th foot, and second daughter of Charles Mackenzie, Esq. Bengal Civil Service,

## DEATHS.

Nov 4. on board the Barque *Britannia*, Capt. Leith, on his passage to the Mauritius, William McDonald Cameron, Esq., aged 26 years, 8 months and 15 days.

Dec. 7. At Sea, on board the *Palmira*, Jackson Perring, Esq., late solicitor General of the Island of Ceylon, aged 37 years.

Feb 2. At Cuddalore, Mrs. Emelia Barbara McCally, (relict of the late Mr. Andrew McCally, Head Uncovenanted assistant in the principal collector's office of that district,) aged 50 years and 7 months.

20. At Kurnaul, of small pox, Brevet Captain George James Cookson, 2d battalion H. C. Artillery.

21. At Delhi, Mrs. F. Crouch.

22. At Calcutta, Mrs Elizabeth Bailey, relict of the late Mr. William Bailey, aged 105 years

23. At Calcutta, at the General Hospital, Mr. John Gibbons, late steward of the Ship *Vansittart*, aged 30 years.

24. At How, Walwa, Brian Hamilton, the son of Lieut. W. Hodgson, of the Ben. H. A., aged 16 months and 5 days.

25. At Calcutta, Mrs. Charlotte Watts, relict of the late Joseph Watts, Esq. of Howrah, aged 51 years.

26. At Calcutta, Mrs. Ann Humphreys, relict of the late, Mr Jacob Humphreys, aged 90 years.

27. At Fort William, Mrs. Mary Ann, the lady of Capt. George Hogarth, of the Cameronsians.

28. At Agra, the infant son of Mr. E. Gray, of the Political Department, aged 3 months.

March 1. At Nusseerabad, Major Hector Mackenzie, 74th, regt. N. I., deeply regretted.

2. At Agra, Captain and Brevet Major Theophilus Bolton of the 47th native infantry.

— At Kishnaghur, at the house of Dr. Fuller, E. Delpeyron, Esq., aged 21 years and 5 months, deeply and sincerely regretted.

4. At Calcutta, Mr. Charles Malachi Smith, an assistant in the secret and political department.

— At Purneah, Mrs. M. A. D'Assis

6. At Calcutta, Mr. Michael Newson, Livery Stable Keeper, aged 38 years.

— At Calcutta, Mrs. Ann Cox, relict of the late Captain William Bentford Cox, of the Bengal Engineers, late of Fort Marlboro' Bencoolen, deeply regretted.

8. At Calcutta, in Park Street, Chowringhee, Amelia Anne, infant, daughter of the Hon. Mr. and Mrs. Shakespeare, aged 1 year, 1 month and 27 days.

At Dacca, Mrs. P. M. David, relict of the late P. M. David, Esq., sincerely regretted.

— At Madras, in the 30th year of her age, Elizabeth Susanna, the beloved wife of W. R. White, Esq., Acting Deputy Inspector General of Hospitals, Her Majesty's troops.

11. At Barrackpore, Emily Madeline, the infant daughter of Alexander Humphrys, Esq., of the horse artillery, aged 13 months, and 5 days.

12. At Calcutta, Mr. John Smith, Surveyor aged 23 years.

— At Calcutta, Mrs. Mary Anne Olive, wife of Mr. George Clive, Assistant in the Sudder Board of Revenue, Allahabad, aged 24 years and 4 months.

— At Cawnpore, Augusta Anna, the beloved child of Augustus Master, Esq., 7th light cavalry, aged 2 years, 10 months and 12 days, deeply lamented.

# GENERAL REGISTER.

13 At the General Hospital, Mr. John Longdon, aged 37 years  
 — At mymensing, M. W. Carruthers, Esq., of the Bengal Civil Service, aged 27 years.  
 16. At Delhi, Philip Augustus, infant, son of the late G. Lumley, Esq., aged 1 year and 5 months.  
 17 At Chandernagore, Monsieur Claude Brunet, aged 21 years and 9 days.  
 19 At Calcutta, after about fourteen hours suffering of spasmodic cholera, Mrs. Amelia Henderson, the wife of George Henderson, Esq., of 5, Farlie Place, solicitor, deeply regretted.  
 — At Calcutta, Master John Nicol, a Ward of the Upper Orphan School, aged 9 years and 6 months  
 — At Calcutta, Charles Frederick Young, Esq., of the Bengal Civil Service, aged 26 years.  
 20 At Calcutta, the Honorable Henry Davenport Shakespear Esq., member of the Supreme Council of India, aged 52 years  
 21. At Calcutta, Mr. Wm. Johnson, of Cholera, aged about 19th years.  
 — At Calcutta, Mr. J. T. Laurence, of Cholera, aged 34 years.  
 — At Calcutta Mrs. Anna Maria Grillard, aged 48 years, 9 months and 26 days.  
 — At Fort William, Louisa Cecelia, the infant daughter of Brevet Captain French, Her Majesty's 26th regiment, aged 10 months and 14 days.  
 — At Mr. Spence's, Town-hall, Calcutta Mrs. Anna Austin, relict of Dr. Austin, Madras Medical Service, aged 27 years  
 21. At Calcutta, Mrs. Elizabeth Matthews, wife of the late Mr. Joseph Matthews, of the Judicial department, aged 75 years.  
 24 At Calcutta, Master Robert Orton, son of the late Mr. George Orton, of the Ordnance department, aged 16 years and 5 months.

22. At Calcutta, of Cholera, Mrs. E. Davis, aged 42 years and 5 months.  
 23. At Calcutta, Robert, the infant son of P. Daly, Jail Sergeant, aged 7 months.  
 24. At Calcutta, Miss Cecilia Damzen, daughter of Mr. Solomon Damzen, Political department, aged 10 years, 8 months and 24 days.  
 — At Calcutta, Mr. John Rittman, constable of the police, aged 38 years.  
 — At Calcutta, Miss Louisa Lee, aged 16 years, 4 months and 13 days.  
 — At Calcutta, Mrs. Elizabeth Carmello Rodrigues, aged 25 years, 2 months and 9 days.  
 25. At Calcutta, Mrs Frances Hanway Uday, lady of George Uday, Esq., of the H. C. Civil Service, aged 21 years.  
 — At Calcutta, Mr J Espencer, aged 27 years.  
 26 At Calcutta, of Cholera, Miss Joana Pereira, aged 40 years  
 27 At Calcutta, at the residence of his brother, Monsieur Frederic Tiron, of la Rochelle, aged 37 years.  
 29 At Calcutta, William Levie Malone Toone, Esq., of the Hon'ble Company's Civil Service, aged 26 years.  
 EUROPE.—Died in London, on the 18th December, 1837, Jane Ralston, second daughter of Captain G. R. Crawford, Artillery, aged 7 years and 10 days.  
 At Bath, on the 29th July last, Jane, eldest daughter of the late William Marriott, Esq., formerly in the Honorable Company's Civil Service on the Bengal Establishment.  
 At Kensington, on the 27th November, Edward William, fourth son of Major H. Moberly, Secretary Madras Military Board, aged 9 years.

## REVIEW OF THE CALCUTTA MARKET.

(From the Bengal Hurkaru Price Current, March 31.)

INDIGO.—There is no change to notice in this article since our last. The exports to the evening of the 28th instant are—  
 To Great Britain.....Fy. mds. 68,263  
 France....." 45,318  
 North America....." 313  
 Stockholm....." 188  
 Gulph, &c....." 4,570  
 Fy. mds. 88,622

RAW SILK.—We have not heard of any transaction since our last, and have no alteration in prices to notice.

SILK FINE GOODS.—The demand has been somewhat active during the week, chiefly for the English market, and our last quotations are maintained.

COTTON.—We have not heard of any transaction in the new staple. A shipment of last year's produce has been made per *Voltaire* for China, which we understand, was purchased from 8 to 12 annas under the currency of last season.

SALTPETRE.—The demand for this article, continues to be but trifling, but prices remain steady. The Stock in the Bazar is very heavy, and reported of Chuprah about 10,000 bags and other qualities 18,000 bags.

SUGAR.—Continues to engage attention for shipments to England and Hobart Town, and prices are quoted at an advance of but 5 annas per maund on our last quotations.

The stock of the old sugar has considerably diminished and is reported to consist of about 5,000 bags, none of the new sugar has yet arrived in the market.

SHELL LAC AND LAC DYE.—Transactions during the week have been confined to the latter, prices of which have advanced a shade.

HIDES AND HORNS.—Continue in steady demand, at former prices.

OIL SEEDS.—Without report of purchase, and remain at last week's quotations.

GRAIN.—We have not heard of a single transaction during the week in any description of Grain, but the quotations of the day show a shade of improvement on Rice, Dholl, Oats, Bram and Flour.

OPUM.—There has been nothing doing in this Drug during the week, and our quotations are nominal.

The quantity uncleared at this Company's Warehouse to 30th instant, consists of

	Paina.	Bonares.	Total.
New.....	773	456	1229
Old.....	666	240	906
			2135

## GOVERNMENT SECURITIES.

March 11.

	BUY.]	[SELL.
Stock	Sa. Rs.	
Paper	16 0 15 0 p. ct.	
Second	0 8 a pm 2 0,,	
5 pr. ct	according to Numbers to bay do. par a,, 3 0,,	
Third	5 per Cent..... prem. 2 12 2 4,,	
	4 per Cent..... Dist. Co's Rs. 2 10 2 14,,	

### BANK SHARES.

BENGAL BANK. (Co.'s Rs. 4,000)	Prem. Co.'s Rs. 3,250	a 3,200
UNION BANK. (Co.'s Rs. 1,000)	"	400 a 875

## COURSE OF EXCHANGE.

BUY.]	s. d.	s. d.	[SELL.	s. d.
2 2 a	0 0	On London, 6 months' sight	2 0 1/2	0 1 1/2
102 9 a	102 8	on Madras, 30 days' sight...	98 0 a	98 8
102 8 a	103 0	on Bombay, 30 days' sight...	98 0 a	98 8

## RATES OF INTEREST AND DISCOUNT.

### BANK OF BENGAL.

Discount	on Government Bills and Salary...	5 per cent.
	on Private Bills, 3 months.....	10 ditto.
Interest	on Loans on Government Papers..	6 1/2 ditto.
	on Goods.....	5 to 10 ditto.

# GENERAL REGISTER.

## UNION BANK.

Discount	charged on Govt. and Salary Bills	5 per cent.
	charged on Private Bills, 1 month	9 ditto.
Interest	charged on ditto ditto, 2 ditto	10 ditto.
	charged on ditto ditto, 3 ditto	11 ditto.
Interest	charged on Company's Paper Loans	8 ditto.
	charged on Deposit of Goods	9 ditto.

## GOVERNMENT SECURITIES.

March 25.

		BUY	[SELL.
Stock	Transfer Loan of 1895-96,	8a. Rs.	
Paper	interest payable in Eng.	Prem. 16 0 15	0 p. ct.
Second	land, .....		
5 pr. ct.	From No. 1300 & 15700 to sell ditto.	0 4 a pm	2 4 ,
Third	according to numbers to buy do.	par a ,	3 0 ,
	5 per Cent. .... prem.	3 0 2 8	,,
	4 per Cent. .... Dist: Co. Rs.	2 0 2 6	,,

## BANK SHARES.

BENGAL BANK. (Co. Rs. 4,000)	Prem: Co. Rs. 3,100	a 3,000
UNION BANK. (Co. Rs. 1,000)	,,	340 a 345

## PRICE OF BULLION, &c.

March 25.

Spanish Dollars....	Co. Rs. 220	2 6 a 211	0 0 per 100
Dubloons.....	33	0 0 a 33	0 each.
Joos or peanas ..	19	11 0 a 20	0 0
Sovereigns ..	10	8 0 a 10	0 0
Bank of England Notes	10	8 6 a 10	10 8
Gold Mohurs ..	10	6 0 a 18	7 0
China Gold Bars.....	12	0 0 a 14	10 8 per. sa wt.
Sycee Silver .....	102	4 0 a 104	8 3 p 100 sa. wt

## RATES OF INTEREST AND DISCOUNT.

### BANK OF BENGAL.

Discount	on Government Bills and Salary..	5 per cent.
	on Private Bills, 3 months.....	10 ditto.
Interest	on Loans on Government Papers..	6 1/2 ditto.
	on Goods.....	8 to 10

### UNION BANK.

Discount	charged on Govt. and Salary Bills.	5 per cent.
	charged on ditto ditto, 1 month.	9 ditto.
Interest	charged on ditto ditto, 2 ditto....	10 ditto.
	charged on ditto ditto, 3 ditto....	11 ditto.
Interest	charged on Company's Paper Loans	8 ditto.
	charged on Deposit of Goods.....	9 ditto.

## ADMINISTRATION TO ESTATES.

Humphreys, Ann.....	Mr. Manuel Payno.
Cox, Anne, Widow.....	Mr. William Starmar.
Pigon, Robert.....	Registrar Supreme Court.
Reed, William Edward, Lieutenant of Engineers. ....	Registrar Supreme Court.
Buchan, Mary, alias, Mary Healy.....	J. W. Caston.
Hodges, Sarah, widow.....	Registrar Supreme Court.
Lonsdale, G. G., Lieutenant H. M. 3d Regt... ..	W. Ainslie.
McQueen, Roderick, Captain.....	Registrar Supreme Court.
Strong, Lawrence Coulter.....	Registrar Supreme Court.
Shakespeare, Hon'ble H. D.....	Mrs. L. Shakespeare, Widow.
Smith, C. M.....	Registrar Supreme Court.
Toome, W. L. M.....	Registrar Supreme Court.

## GOVERNMENT NOTIFICATIONS.

&amp;c.

&amp;c.

&amp;c.

## BY THE DEPUTY GOVERNOR OF BENGAL.

*Political department, the 11th April, 1838.*—Mr. Surgeon D. Richardson is appointed a supernumerary assistant to the commissioner of the Tenasserim provinces, and to the medical charge of the Talayn corps recently raised at Moulemein.

*General Department, the 8th April, 1838.*—The Hon. the Deputy Governor of Bengal is pleased to grant to Mr. Henry Walters of the civil service, a furlough of the past season.

Mr. W. Adams resumed charge as clerk to the committee for controlling the expenditure of stationery, from the 1st instant.

*Ecclesiastical Department.*—Mr. W. H. Abbott registrar of the Archdeaconry of Calcutta, with the approbation of the Right Reverend the Lord Bishop of Calcutta, resumed charge of his duties on the 14th instant.

*Separate Department.*—The Deputy Collector of Burdwan is hereby vested with jurisdiction for the trial of persons charged with offences against the laws for the protection of the salt revenue when made over by the superintendent of Megua salt chokies, appointed to that District under the act No. IX. of 1836, and the said deputy collector shall, and is hereby empowered to exercise in respect to such cases, the powers, described in sections XCVI. and CXI., and other provisions of regulation X. 1819 of the Bengal code.

*General Department, the 18th April, 1838.*—The Hon. the President in Council gives notice that the following arrangements have been made by the Government of Bombay, for the conveyance from the Red Sea to Bombay of the English mails of June, July, August and September:

The June packet will be brought by the new schooner just launched.

The July packet will be brought by the *Palmarus*.

The August packet will be brought by the second new schooner which is now being built.

The September Mail may be expected to arrive at Suez by the 2d of October, if a steamer cannot be sent for it, it will be brought to Bombay by the *Euphrates*.

Published by order of the Hon. the President in Council,  
H. T. FRINSEP,  
Secy. to the Govt. of India.

*Fort William, political department, the 18th April, 1838.*—The leave of absence granted to Major Sandys, principal assistant in Nisnar, on the 3d January, is to commence from the 25th instant of the 8th January last.

*Fort William, general department, the 18th April, 1838.*—The Hon. the Deputy Governor of Bengal is pleased to authorize the superintendent of police in Calcutta to grant tickets or the admission of sick paupers into the General Hospital.

The Hon. the President in Council is pleased to appoint Mr. Assistant Surgeon J. Bowron post master at Jessore.

*Fort William, legislative department, the 23d April 1838.*—The following Act is passed by the Hon. the President of the Council of India in Council on the 23d April, 1838, with the assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the act be promulgated for general information.

ACT No. VII. of 1838.

It is hereby enacted, that it shall be lawful for a Judge of any sillah or City Court, within the territories subject to the Pres-

dency of Fort William in Bengal, to exercise the powers vested in a single Judge of the Sudder Dewanny Adawlut, by clause, 2 section II, regulation IX, of 1831 of the Bengal code.

The following act is passed by the Hon. the President of the Council of India in Council on the 23d of April, 1838, with the assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the act be promulgated for general information.

ACT No. VIII. of 1838.

I. It is hereby enacted, that from the 10th day of May, 1838, the following rates of toll shall be levied, in the Company's currency, at the toll-gate of the Bhore ghaut, on palanquins and laden bullocks, both in going and returning:

On every palanquin..... 1 rupee.  
On every laden bullock..... 6 pies.

II. And it is hereby enacted, that from the said day, all the provisions of Act No. II. of 1837, of the Governor General of India in Council, shall be applicable to palanquins and laden bullocks, and the tolls to be levied thereon, as if they had been inserted among the rates of tolls contained in section II. of that Act.

ROSS D. MANGLES,

Off. Secy. to the Govt. of India.

*Judicial and revenue department.*—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

*The 20th March, 1838.*—Mr John Fitzpatrick to the charge of the revenue survey of the northern division of Cuttack, with the powers of a deputy collector under regulation IX. of 1823, for the special and exclusive duty of deciding boundary disputes within the limits of his operations as surveyor.

*The 10th April, 1838.*—Mr. G. G. Mackintosh, to be joint magistrate and deputy collector of Purneah.

*The 14th April, 1838.*—Bahoo Rao Parumath Bose, principal sudder ameen West Burdwan, to be a principal sudder ameen in East Burdwan, vice Mr. Dumoulin deceased.

Moulavie Abdool Majid, principal sudder ameen in Chittagong to be a principal sudder ameen in West Burdwan.

Moulavie Mahommed Fyz Khan to be a principal sudder ameen in sillah Chhattagong.

Bahoo Ram Lochun Ghose to be a sudder ameen in sillah Tipperah.

Moulavie Mohummed Khoorshed to be additional principal sudder ameen in sillah Mymensingh.

*The 16th April, 1838.*—The leave of absence granted to Mr. E. P. Nisbet, judge of Nuddea, under orders of the 3d instant, has this day had been cancelled at his request.

*The 17th April, 1838.*—The following officers have obtained leave of absence from their stations:

Mr. C. Steer, officiating magistrate of Nuddea, an extension of two days leave of absence in addition to that granted to him on the 3d instant.

Moulavie Mahommed Rafig, officiating sudder ameen of Monghyr for four days, on private affairs.

The Hon. Deputy Governor of Bengal has been pleased to make the following appointments:

*The 19th April, 1838.*—Mr. Assistant Surgeon E. V. Davies to perform the medical duties of the civil station of Boncoorah.

*The 20th April, 1838.*—Lieutenant Robert Mathison, of the 6th regiment native infantry, to be a revenue surveyor in Cuttack, with the powers of a deputy collector under regulation IX. of 1838, for the special and exclusive duty of deciding boundary disputes within the limits of his operations as surveyor.

The following officer has obtained leave of absence from his station:

# GENERAL REGISTER.

Mr. H. Walters, a temporary member of the Sudder Board of Revenue, for one month, preparatory to his proceeding to England on furlough.

**FRED. JAS. HALLIDAY,**  
*Off. Secy. to the Govt. of Bengal*

**Judicial and Revenue Department, the 21st April, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following Appointment:

Mr. Assistant Surgeon John Arnott, M. D., to the temporary charge of the Medical duties of the Civil Station of Oowalparah.

The following Officer has obtained leave of absence from his Station.

Lieutenant H. Siddons, Revenue Surveyor in Chittagong, for six weeks on private affairs.

**The 24th April, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following Appointments:

Mr. J. Marley to be Deputy Collector under Regulation IX of 1833 in Patna.

Baboo Degumber Mitter to be ditto ditto under ditto in ditto, taking effect from the 19th December last.

Mr. J. Macleod to be ditto ditto under ditto in Shahabad, ditto from the 1st January last.

Mr. G. Dixon to be ditto ditto under ditto in ditto, ditto from the 1st January last.

Moulavie Shawkat Ally to be ditto ditto under ditto in Sarun, ditto from the 1st January last.

Mr. L. H. Boilard to be ditto ditto under ditto in ditto, ditto from the 18th December last.

The following officer has obtained leave of absence from his station:

Mr. W. B. Jackson, Commissioner of Revenue of the 14th Moorshedabad Division, for five days, to visit the Presidency, on private affairs.

Mr. C. J. H. Graham, Joint Magistrate and Deputy Collector of Rajshahy, reported his departure for the Cape of Good Hope on the ship *Roxburgh Castle*, which vessel was left by the Pilot on the 16th instant.

Mr. C. Tottenham, Deputy Collector of Tirhoot, reported his departure for the Cape of Good Hope on board the same vessel.

**FRED. JAS. HALIDAY,**  
*Off. Secy. to Govt. of Bengal.*

**Fort William, General Department, the 25th April, 1838.**—The leave granted under the orders of Government of 1st November last, to Mr. David Plingle, of the Civil Service, to proceed to Europe on Furlough, is cancelled at his own request.

Mr. W. Young having exceeded the period within which, under the orders of the Honorable the Court of Directors he ought to have qualified himself for the Public Service by proficiency in two of the Native languages, has been ordered to return to England.

**H. T. PRINSEP,**  
*Secy to the Govt. of Bengal*

**Fort William, Legislative Department, the 26th March, 1838.**—The Hon. the Court of Directors having, with the approbation of the Right Hon. the Commissioners for the affairs of India, recommended the appointments of Frederick Millett, Esq., of the Bengal Civil Service, as member, and James Charles Colbrooke Sutherland, Esq., as secretary, of the Indian Law Commission.

The Hon. the President of the Council of India in Council, with the concurrence of the Right Hon. the Governor General of India has this day been pleased to appoint Frederick Millett, Esq., to be a member of the Indian Law Commission, and James Charles Colbrooke Sutherland, Esq., to be secretary to the said Commission in the place of Mr. F. Millett.

**Judicial and revenue department, the 27th March, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. A. Ross to be an assistant to the register of the Courts of Sudder Dewanny and Nizamut Adawlut.

Mr. H. Atherton to officiate as joint magistrate and deputy collector at Rajshahy during the absence of Mr. Dirom or until further orders.

The following officers have obtained leave of absence from their stations:

Mr. G. O. Cheep, civil and session judge of Shahabad, for three days, in addition to that granted to him on the 3d ultimo.

Mr. J. T. Mellie, officiating joint magistrate and deputy collector of Burdwan, for one month, on medical certificate.

**The 30th March, 1838.**—Mr. Charles Francis, deputy collector of Calcutta, for three months, to proceed to Singapore on medical

certificate, Mr. Wale Byrn will officiate as deputy collector during Mr. Francis' absence or until further orders.

Rai Doorganarain Roy, 1st principal, sudder ameen of West Burdwan, for twenty days, in addition to the period of the Mouzurum vacation.

Moulvie Mahomed Rafiq, acting sudder ameen of Monghyr, for the period of the Mouzurum vacation.

Mr. T. R. Davidson, commissioner of revenue of the 11th or Patna division, has reported his departure from Bengal for the Cape of Good Hope on board the ship *Marion*, which vessel was left by the pilot on the 23d instant.

**Judicial and revenue department, the 27th March, 1838.**—The Honorable the Deputy Governor of Bengal has been pleased to make the following appointment:

Syed Hossain Buksh to be Sudder ameen in zillah Beerbhoom.

The following officer has obtained leave of absence from his station:

Mr. W. Luke, officiating magistrate and collector of Seron, for four days, in addition to that granted to him on the 16th January last, to enable him to rejoin his station.

**The 31st March, 1838.**—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment:

Mr. Assistant Surgeon J. S. Lorin, M. D., to perform the medical duties of the civil station of Hooghly, during the absence of Doctor Wise.

**The 3d April, 1838.**—The following officers have obtained leave of absence from their stations:

Mr. R. P. Nizet, Judge of Nuddeah, during the remainder of the Mouzurum vacation, on medical certificate.

Mr. C. Grant, magistrate and deputy collector of Hooghly, for twenty days, in extension of the leave granted to him on the 2d ultimo.

Mr. C. Steer, officiating magistrate of Nuddeah, for one week, on private affairs. Mr. C. Loch will officiate in the above office during the absence of Mr. Steer.

Mr. W. M. Dirom, joint magistrate and deputy collector of Rajshahy, has reported his departure to sea on board the ship *Tiel*, which was left by the pilot on the 25th ultimo.

**Judicial and revenue department, the 27th March, 1838.**—Mr. C. Tottenham, deputy collector of Tirhoot, for two years, on medical certificate, to proceed to New South Wales, via Mauritius or the Cape of Good Hope.

**The 3d April, 1838.**—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment.

Mr. C. Grant to officiate, until further orders, as joint magistrate and deputy collector at Noacolly, in the room of Mr. C. T. Davidson.

**The 10th April, 1838.**—The following officer has obtained leave of absence from his station:

Mr. H. Atherton, assistant under the Commissioner of Cuttack for one month, from the 14th ultimo, on medical certificate.

**The 14th April, 1838.**—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments.

Mr. Assistant Surgeon James Pagan to the charge of the Medical Duties of the Civil Station of Gwah, vice Mr. Assistant Surgeon Taylor.

Mr. Assistant Surgeon John Wood to the charge of the medical duties of the civil station of Kunsapore, vice Mr. Assistant Surgeon Pagan.

**The 12th April, 1838.**—Mr. C. Tottenham, deputy collector of Tirhoot, has reported his departure for the Cape of Good Hope, on board the *Roxburgh Castle*, on the 10th instant.

**FRED. JAS. HALLIDAY,**  
*Off. Secy. to the Govt. of Bengal.*

**Fort William, political department, the 28th March, 1838.**—Mr. H. W. Torrens to be deputy secretary to the Government of India and Bengal in the secret and political department, vice Mr. Trevelyan, to take effect from the date of his departure.

**Fort William, separate department, the 28th March, 1838.**—Mr. Lamoignon is appointed to do duty in the office of the Secretary to the Board of Customs, salt and opium, until further orders.

## ADDITIONAL POST OFFICE RULES.

**Fort William, general department, the 28th March, 1838.**—In order to provide for the public convenience at stations from, and to, or between which, a bangy post has not yet been established, the President in Council, until further orders, authorizes Post Masters at such out-stations to receive (as an additional

## MILITARY.

## BY THE PRESIDENT IN COUNCIL.

gence to be exercised at their discretion) Packets of reasonable weight at the ordinary bangy rates of table 4, schedule A, for despatch, by the letter post of any cross road on which a bangy post may not be established, or to the nearest station whence they can be conveyed by bangy, provided that the party sending the same shall satisfy the post-master that the packet contains no letter or writing, and provided that the mail be not thereby loaded above the maximum gross weight to be conveyed by a single runner, viz. 9 asep, or 12lbs.

Bangy parcels of moderate weight, received for transmission to places beyond a bangy range, will in like manner be received at bangy rates for the whole distance. They will then be forwarded by bangy as far as such bangy post travels, and thence be sent on by letter post, should such transmission be possible without overloading the runners; otherwise their further transmission will be completed by means of extra bangies to be hired for the purpose.

By order of the Hon. the President in Council,  
H. T. PRINSEP.  
Secy. to the Govt. of India

*Fort William, legislative department, the 2d April, 1838.*—The following draft of a proposed act was read in Council for the first time on the 2d April, 1838.

## ACT No. — of 1838.

It is hereby enacted, that from the — day of — all powers vested by regulation XI. of 1833 of the Madras code in zillah or assistant judges, shall be vested in every principal sudder ameen within the territories subject to the Government of the presidency of Fort St. George, in respect of all hidden treasure of any of the kinds specified in section II. of that regulation, which may be found within his jurisdiction; and all rules applicable to zillah or assistant judges, shall be applicable to every such principal sudder ameen, in respect of such treasure.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the legislative council of India after the 15th day of May next.

*Fort William, legislative department, the 2d April, 1838.*—The following draft of a proposed act was read in Council for the first time on the 2d April, 1838.

## ACT No. — of 1838.

I. It is hereby enacted that it shall be competent to the Governor General of India in Council by an order in Council, to extend any of the provisions of regulation XII of 1838, to the court of any principal sudder ameen, sudder ameen, or moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to delegate the power given to him by section I. of this act to the Governor of Bengal, and to the Lieutenant Governor of the north western provinces, or to any functionary exercising the authority of Government in the north western provinces.

Ordered, that the draft now read be published for general information.

Ordered, that the said draft be re-considered at the first meeting of the legislative Council of India after the 15th day of May next.

*Fort William, general department, the 4th April, 1838.*—The Hon. the President of the Council of India in Council is pleased to direct that the following act of parliament, made and passed in the fifth and sixth years of the reign of His late Majesty, entitled, "An act to regulate the measurement of the tonnage and burthen of the merchant shipping of the United Kingdom," bearing date the 9th of September 1835, be published for general information.

ROSS. D. MANGLES.

Offg. Secy. to the Govt. of India.

*Fort William, general department, the 14th April, 1838.*—Mr. T. F. Biscoe, of the civil service, attached to the north western provinces, reported his return to this presidency from sea on the 6th instant.

*Fort William, political department, 11th April 1838.*—Capt. N. Lewis, assistant to the general superintendent of the operations for the suppression of thugges in the Moorsabadah division, made over charge of the office to Capt. J. Whiteford on the 2d instant.

By order of the Hon., the president in Council.

J. STUART, Lieut. Col.  
Offg. Secy. to the Govt. of India. Mly. Dept.

*Fort William, 21st March, 1838.*—No 48 of 1838.—Assistant Surgeon John Spence Logan, M.D., is placed at the disposal of the Hon. the Deputy Governor of Bengal for the temporary charge of the medical duties of the civil station of Hoogly.

*Fort William, 2d April, 1838.*—No 39 of 1838.—The Hon. the President in Council is pleased to make the following promotion and alteration of rank:

*Infantry.*—Lieutenant Colonel and Brevet Colonel William Henry Kennn to be Colonel, from the 1st of November 1837, vice Colonel (Major General) Robert Tattou, C.B., deceased.

Major James Eckford to be Lieutenant Colonel, vice Lieutenant Colonel and Brevet Colonel William Henry Kennn promoted with rank from the 21st of January 1838, vice Lieutenant Colonel James Watkins retired.

*4th regiment light cavalry.*—Captain William Burlton to be Major, Lieutenant and Brevet Captain Charles O'Hara to be Captain of a troop, and Cornet George Jackson to be Lieutenant, from the 26th March 1838, in succession to Major John Barclay transferred to the invalid establishment.

Superannuery Cornet Frederick Neil Edmonstone is brought on the effective strength of the cavalry.

*6th regiment native infantry.*—Captain John Gavin Drummond to be Major, Lieutenant and Brevet Captain David Cabel Keller to be Captain of a company, and Ensign Bernard Cary to be Lieutenant, from the 31st of January 1838, in succession to Major James Eckford promoted.

*37th regiment native infantry.*—Lieutenant and Brevet Captain Henry (Himn) Rabai to be Captain of a company, and Ensign William Dinley Goady to be Lieutenant, from the 2d of March 1837, in succession to Captain and Brevet Major Theophilus Bolton deceased.

*Medical department.*—Assistant Surgeon John Smyth, M.D. to be surgeon, from the 17th March 1838, vice surgeon Robert Tyler, M.D., deceased.

*Alteration of rank in infantry.*—Lieutenant Colonel W. Barroughs, Major J. A. Thompson, Captain T. Lysaght, and Lieutenant E. Mauney, L.W. European regiment, to rank from 11th November 1837, in the room of Lieutenant Colonel and Brevet Colonel Wm. Hy. Kennn promoted, vice Colonel (Major General) Robert Patton, C.B., deceased.

Major David Dalrymple Anderson, of the 29th regiment native infantry, is permitted to retire from the service of the East India Company, from the 6th instant, on the pension of a Colonel, in conformity with the regulation of the 29th December 1837.

Major J. G. Drummond, of the 6th regiment native infantry, is placed at the disposal of the right Hon. the Governor General, for the purpose of Surveying a line of road from Agra to Bombay.

The following temporary arrangement is made in the subordinate branch of the department of Public works during the absence of Conductor E. Townsend, from the 11th February last, the date on which he proceeded to Europe on furlough, on medical certificate.

Sub-conductor Walter Synnot is promoted to the rank of acting conductor, and Overseer Pigitt to that of Acting Sub-conductor.

Gunner Michael Carroll, of the 1st troop 3d brigade horse artillery, is admitted to the benefits of the pension sanctioned by minutes of Council of the 11th January 1797, and General orders dated 5th February 1838, subject to the confirmation of the Hon. the Court of Directors, with permission to receive his stipend at Dum Dum.

*Fort William, 9th April, 1838.*—No. 51 of 1838.—The Hon. the President in Council is pleased to make the following promotions:

*8th regiment native infantry.*—Captain George Hicks to be Major, Lieutenant and Brevet Captain George Gordon to be Captain of a Company, and Ensign Charles Ginkell London to be Lieutenant, from the 8th of January 1838, in succession to Major James Leslie Day deceased.

*29th regiment native infantry.*—Captain John Saichwell to be Major, Lieutenant and Brevet Captain Henry Fitz Simons to be Captain of a company, and Ensign Henry Shaw Stewart to be Lieutenant, from the 6th of April 1838, in succession to Major David Dalrymple Anderson retired on the pension of a Colonel. The Hon. the President in Council is pleased to make the following appointments:



## GENERAL REGISTER.

Major Richard Home, of the 73d Regiment native infantry, to officiate as presidency pay master during the absence of Major Stoddart, on medical certificate, or until further orders.

Lieutenant William Lamb, of the 51st regiment native infantry, is permitted to proceed to Europe on furlough, on medical certificate.

Ensign Charles Gishell London, of the 26th regiment native infantry, has returned to his duty on this establishment without prejudice to his rank, by permission of the Hon the Court of Directors. Date of arrival from Europe via Bombay within the boundary of the Bengal presidency, 23d February 1836.

The leave of absence granted in general orders No. 17, of the 23d January 1837, to Captain Henry Fitch, of the 73d regiment native infantry, has been extended from the 1st September to the 30th November last, on medical certificate.

His Honor in Council is pleased to accept of the resignation of Mr T. C. Pennington of his situation of assistant to the executive officer, Midnapore division department of public works.

No. 52 of 1838.—The Hon. the President in Council is pleased to direct, that the allowances of officers of Her Majesty's service removed from one presidency to another, shall, up to the date of their departure from the presidency, at which they are serving, be governed by the regulations of that presidency, and subsequently by those of the presidency to which they are transferred—general orders Governor General, No. 180, of 25th July 1836, are in consequence cancelled.

Fort William, 9th April, 1838.—No. 54 of 1838.—Surgeon James Ranken, M.D., is permitted to resign the temporary appointments of officiating secretary to the Medical Board and officiating presidency surgeon, and return to his duties as civil surgeon at Delhi.

Surgeon James Hutchinson, having returned to the presidency, is directed to resume charge of his office as secretary to the medical board.

No 56 of 1838.—Lieutenant Thomas Dixon, of the 43d regiment Native infantry, is promoted to the rank of Captain, by Brevet, from the 13th April, 1838.

Lieutenant Herbert Apperley, of the 6th regiment native infantry, is appointed to the charge of the Khoorda Pak Company, during the absence of Captain J. Drummond, provided his corps shall remain so long at Cuttack.

Lieutenant Robert Mathison, of the 6th regiment native infantry, is placed at the disposal of the Hon. the Deputy Governor of Bengal for employment on the survey of the Cuttack province.

Assistant Surgeon Elliot Voyle Davies is placed at the disposal of the Deputy Governor of Bengal for the medical duties of the civil station of Bancoorah.

Assistant Surgeon Thomas Alexander Wise, of the civil station of Hooghly, is permitted to proceed to the Mauritius, on medical certificate, and to be absent from Bengal on that account for four months.

Lieutenant Frederick Saratty Lardner, of the 59th regiment native infantry, is permitted, at his own request to resign the service of the East India Company.

The Right Hon. the Governor General of India was pleased, in the Political Department, under date the 24th ultimo, to post Assistant Surgeon Henry Tallor, at present attached to the Civil Station of Gwah, to the 3d regiment of infantry in the Oude auxiliary force.

Conductor Stephen Patman of the ordnance commissariat department, having been declared incapable of performing the active duties of his profession, is transferred to the invalid pension establishment.

J. STUART, Lieut.-Col.

Offy. Secy. to the Govt. of India Mily. Dept.

Fort William, General Department, the 14th April, 1838.—Mr. J. P. Grant has resumed his situation of deputy secretary to the Government of India in the judicial and revenue departments, and has been directed to officiate as deputy secretary in the General, secret and political departments of the Government of India.

Mr. G. C. Floueden will continue to officiate as deputy secretary to the Government of Bengal in the judicial and revenue departments.

Mr. H. V. Bayley is appointed to be special assistant in the general, secret and political departments.

H. T. PRINSEP.

Secy. to the Government of India.

The Hon. the president in Council is pleased to appoint Mr. Assistant Surgeon Henry Taylor, Post-Master at Gwah.

Fort William, 16th April 1838.—No. 58 of 1838.—Assistant Surgeon John Arnett, M.D., is placed at the disposal of the Government of Bengal, for the purpose of being appointed to the temporary charge of the medical duties of the civil station of Gwahparah.

Fort William, 23d April, 1838.—No. 59 of 1838.—The Hon. the President in Council is pleased to make the following promotion:

59th regiment native infantry.—Ensign George Dalton, to be Lieutenant from the 16th April 1838, vice Lieutenant Frederick Saratty Lardner resigned the service of the East India Company.

Lieutenant William Anderson, of the 59th regiment native infantry, is promoted to the rank of Captain by Brevet, from the 21st April 1838.

Major Charles Hamilton, of the 22d regiment native infantry, is permitted to proceed to Europe on furlough, on account of his private affairs.

Captain Ninian Lewis, of the 63d regiment native infantry, assistant to the general superintendent for the suppression of Thuggee, is permitted to proceed to Singapore, on Medical Certificate, and to be absent from Bengal on that account for six months.

Ensign David Clark Scott, of the 3d regiment native infantry is permitted to proceed to Singapore on account of his private affairs, and to be absent from Bengal on that account for five months.

### BY THE GOVERNOR GENERAL.

Revenue department, camp at Rajshat, the 22d March 1838.—The services of Mr. H. Stokes, lately Superintendent of nugger, under the Commissioner of Mysore, have this day been replaced at the disposal of the Government of Fort St. George.

Political department, camp at Rajshat the 24th March 1838.—Mr. Assistant Surgeon H. Taylor, at present civil surgeon at Gwah, is posted to the 2d regiment of infantry in the same auxiliary force.

Mr. B. H. Hodgson, the resident at Nepal, reported his having resumed charge of the residency from Mr. A. Campbell on the 5th instant.

Political department, camp, at Nahun, the 26th March 1838.—The Right Hon. the Governor General has been pleased to make the following appointments, viz.

Lieut. R. S. Dobbs to be Superintendent of the Nugger division of the Mysore territory, vice Mr. H. Stokes. Lieutenant Dobbs will continue to officiate as superintendent of the Chittledroog division, until further orders.

Captain I. Briggs is promoted to be 3d assistant to the commissioner for the Government of the territories of his Highness the Rajah of Mysore, vice Lieutenant Dobbs.

The Hon. H. B. Devereux is promoted to be 4th assistant to ditto ditto, vice Captain Briggs, and is to officiate as 2d assistant: and Lieutenant H. Montgomery is appointed to officiate as 4th assistant to the commissioner.

Political Department, camp, Raughar, the 30th March, 1838 Mr. Assistant Surgeon W. Stevenson, M.D., attached to the Lucknow residency, has been permitted to proceed to the hills, on medical certificate, for the period of eight months, from the 1st proximo to the 1st of December next.

By order of the Right Hon. the Governor General of India,

Political department, camp, at Fajore, the 31st March 1838.—Mr. H. Stokes, superintendent of the Nugger division, delivered over charge of his office on the 23d ultimo, to Captain A. Macleod.

By order of the Right Hon. the Governor General of India.

W. H. MACNAGHTEN.

Secy. to the Govt. of India with the Gov. Gen.

Judicial, revenue and general department, Simla, the 2d April, 1838, revenue.—Mr. G. F. Edmonstone is appointed to conduct the revision of settlements under Regulation IX of 1833, from the 1st instant, and will be employed for the present in the District of Allahabad.

# GENERAL REGISTER.

The 14th April 1838, judicial.—Mr. A. P. Currie is appointed to officiate as judge of Etawah.

Judicial and Revenue.—Mr. T. R. Davidson is appointed to officiate as magistrate and collector of Benares, till further orders.

J. THOMASON,

Offg. Secy. to the Govr. Genl. W. N. P.

Simla, 3d April 1838.—The Hon. the Governor General is pleased to make the following appointments:

Captain D. Thompson of the 56th regiment native Infantry Senior Deputy Assistant Adjutant General, to be an Assistant Adjutant General of division, vice Baydon, who has been permitted to retire from the service.

Captain W. G. Cooper, of the 71st regiment native Infantry, a Major of brigade on the Establishment, and officiating as deputy Assistant Adjutant General, to be a deputy Assistant Adjutant General of division, vice Thompson.

Captain and Brevet Major C. E. Davis, of the 58th native Infantry, to be major of Brigade at Barackpore, vice Cooper, during the period his regiment may be serving at that station.

Assistant Surgeon H. Taylor, attached to the civil station of Oyah, was appointed in the political department, on the 24th ultimo, to the 3d regiment of Infantry in the Oode auxiliary force.

The Right Hon. the Governor General is pleased to appoint Sergeant Richard Minton, of the 1st troop 1st brigade horse artillery, to be an Assistant Overseer, to fill a vacancy in the 3rd or Dispersed division of public works, vice Sergeant Miller deceased.

WM. CASEMENT, M. G.,

Secy. to the Govt. of Indian, Mily. Dept. with the Rt.

Hon. the Govr. Genl.

Ecclesiastical department, the 4th April, 1838.—The Hon. the Deputy Governor of Bengal is pleased to appoint the Rev. W. Palmer, A. B. Junior Presidency Chaplain. The appointment to take effect from the 17th February last.

H. T. PRINSEP,

Secy. to the Govt. of Bengal

Simla, 16th April, 1838.—The following Appointment was made on the 9th instant, in the Political Department:

Mr. Assistant Surgeon J. S. Login, M.D., to the Medical charge of the Residency at Lucknow, during the absence of Mr. Assistant Surgeon W. Stevenson, who has obtained eight months leave, on Medical Certificate, from the 1st instant, to proceed to the Hills.

Simla, 10th April, 1838.—The right hon. the Governor General has been pleased to make the following appointments:

Major C. J. C. Davidson, of engineers, to be executive engineer to the 6th or Allahabad Division of public works.

Lieutenant Hugh Fraser, executive engineer Mhow division, to be executive engineer to the 7th or Cawnpore division of public works, but to remain at Mhow until the work on which he is at present engaged is completed.

Lieutenant J. N. Sharp, in charge of the 7th or Cawnpore division, to be executive engineer to the Mhow division of public works, but to remain at Cawnpore till relieved by Lieutenant Fraser.

WM. CASEMENT, M. G.

Secy. to the Govt. of India Mily. Dept.

with the Rt. Hon. the Govr. Genl.

Political department Simla, the 11th April, 1838.—Mr. Assistant Surgeon J. S. Login, M.D., was on the 9th instant, appointed to the medical charge of the residency at Lucknow, during the absence of Mr. Assistant Surgeon W. Stevenson.

By order of the Right Hon. the Governor General of India,

W. H. MACNAGHTEN,

Secy. to the Govt. of India with the Govr. Genl.

BY THE GOV. GENERAL FOR THE N. W. PROVINCES.

Judicial, revenue and general department, camp, Meerut, the 6th February, 1838.—Khajeh Uloom Oollah is appointed to be deputy collector under regulation, IX. of 1833, in zillah Azimshur.

Camp Delhi the 12d February, 1838.—Mr. W. H. DeGruythe is appointed to be deputy collector under regulation IX. of 1833 in zillah Farruckabad.

Judicial, revenue and general department, camp, Saharanspoor, the 11th March, 1838.—Mr. G. T. Lushington to be magistrate and collector of Etawah, from the date on which Mr. S. O. Smith vacated the appointment. Mr. Lushington will continue to officiate as magistrate and collector at Bareilly till further orders.

Mr. G. F. Harvey to be magistrate and collector of Allypore from the date on Mr. T. F. Woodcock may vacate the appointment.

Mr. E. H. Morland to be civil auditor, north western provinces, in succession to Mr. G. F. Harvey.

Mr. M. R. Gubbins to be joint magistrate and deputy collector of Allahabad. Mr. Gubbins will continue to officiate with the powers of a joint magistrate and deputy collector in charge of the Kerospore pergunnahs of the Gurgaon district, till further orders.

Mr. W. H. Benson to officiate as judge of Meerut during Mr. Glyn's absence on leave, or till further orders.

Mr. G. T. Lushington to officiate as magistrate and collector of Bareilly during the absence of Mr. Benson, or till further orders.

The following officers have obtained leave of absence:

Captain M. Smith, principal assistant to the commissioner in the district of Saugor, for nine months, on medical certificate, to proceed to sea from Bombay and eventually to Calcutta. Lieutenant E. W. C. Doonan will officiate as principal assistant at Saugor, till further orders.

Mr. M. S. Tierney, magistrate and collector of Boolundshuhur from the 1st April to the 1st December next, for the purpose of visiting the hills north of Dehra, on medical certificate.

Cornet C. G. Fagan, assistant to the agent and the Commissioner in the Saugor and Nerbudda territories, has been permitted to resign his appointment from the 5th February last.

Mahommed Yousuf is transferred in his present capacity of sadder ameen and law officer from Cawnpore to Jounpore, and Moulee Khadim Hoessein Khan, sadder ameen and law officer at Jounpore, removed to Cawnpore.

Camp Narainpurg, the 7th March 1838.—the following officer have obtained leave of absence:

Mr. W. S. Donnithorne, officiating magistrate and collector of Banda, for two months on medical certificate, to proceed to the hills. Mr. Donnithorne has been authorized to make over charge of the offices of magistrate and collector of Banda to Mr. W. F. Masson, the joint magistrate and deputy collector.

Mr. C. W. Kinloch, deputy collector for the investigation of rent-free tenures at Mynpoore, from the 30th March to the 5th November next, on medical certificate, to visit the hills north of Dehra. Mr. Kinloch has been authorized to make over charge of his office to the collector, till further orders.

J. THOMASON.

Offg. Secy. to the Govr. Genl. N. W. P.

Political department, camp, at Rajghat, the 24th March, 1838.—Mr. H. Swetenham, the Agent to the Governor General at Farruckabad, reported his having resumed charge of the agency on the 14th instant.

By order of the Right Hon. the Governor General for the N. W. Provinces.

W. H. MACNAGHTEN.

Secy. to the Gov. Genl. for the N. W. P.

Judicial, revenue and general department, Simla, the 27th March, 1838.—Judicial and revenue.—Mr. E. Wilmet is appointed to officiate as magistrate and collector of Boolundshuhur, during the absence of Mr. Tierney on leave, or till further orders.

Judicial.—Mr. C. Lindsey, officiating judge of Dehlee, has obtained leave of absence, on his private affairs for ten days, from the 3rd of April next.

# GENERAL REGISTER.

**The 26th March, 1838.**—The remainder of the leave of absence granted to Mr H. Swetenham, judge of Furruckabad, under orders of the 16th November last, is cancelled from the 14th instant the day on which he resumed charge of his office.

**The 31st March 1838.—Ecclesiastical.**—The Rev. Mr. Brooke is appointed to officiate as Junior Chaplain of Cawnpore.

The Revd. Mr. Etison is appointed to officiate as assistant Chaplain at Benares and Chunar.

The above appointments will have effect till the close of the next rainy season, and are so far in modification of the orders of the 17th ultimo.

J. THOMASON.

Offg. Secy. to the Govt Genl. N. W. P.

## BY THE COMMANDER IN CHIEF.

**Head Quarters, Simla, 19th March 1838.**—Captain J. D. Numb, of the invalid establishment, is permitted to reside and draw his pay and allowances at the presidency.

Captain C. Wilson, of the invalid establishment, is permitted to reside in the hills north of Deyrah, and draw his pay and allowances from the deputy pay-master at Meerut.

The following medical officers are directed to do duty under the orders of the superintending Surgeons at the Stations specified opposite their respective names, instead of in the divisions to which the three former were attached in general orders of the 29th ultimo :

Assistant Surgeon G. S. Cardew..... Dinapore.  
Assistant Surgeon L. T. Watson..... Cawnpore.  
Assistant Surgeon J. Arnott. M. D..... Meerut.  
Assistant Surgeon E. V. Davies,..... Meerut.

**Head Quarters, Simla, 26th March 1838.**—The Dacca station order of the 29th of January last, directing assistant Surgeon J. Taylor, attached to the civil station of Dacca, to afford medical aid to the 32d regiment of native infantry, is confirmed.

His Excellency the Commander in Chief is pleased to make the following appointment.

62d regiment native infantry. Lieutenant C. E. Grant to be interpreter and quarter master.

The undermentioned officers have leave of absence :

Garrison staff.—Lieut. General B. Marley, Commandant of Allahabad, from 15th April to 12th July, in extension, to visit the presidency, on medical certificate.

3d brigade horse artillery.—Major J. J. Farrington, from 30th March to 1st December, to visit the hills north of Deyrah, on medical certificate.

32d regiment native infantry.—Surgeon G. Smith, from 1st February to 1st August, to visit the presidency, on medical certificate, preparatory to applying for leave to sea.

**Head Quarters, Simla, 21st March 1838.**—The Cawnpore division order of the 10th instant, directing the following arrangements in the subordinate medical department, is confirmed :

Apothecary C. Billings, hospital steward G. W. Harding, and assistant Apothecary W. Pughman, to join and do duty with Her Majesty's 3d Light Dragoons.

Assistant Apothecary C. Permian, attached to the hospital of Her Majesty's 16th foot, to act as Apothecary to the regiment, vice Billings.

The Sikhind artillery division order of the 10th instant, appointing Lieutenant Breret Captain and Adjutant J. B. Backhouse, of the 1st brigade of horse artillery, to act as Adjutant to the division, is confirmed.

Captain Augustus Abbott, of the 1st company 3d battalion of artillery, is directed to proceed forthwith to Delhi, and to place himself under the orders of Major P. L. Pew, who, under instructions from the Right Hon. the Governor General, has been required to repair to that station, for the purpose of being employed on special duty.

There being no qualified officer present with the 1st regiment native infantry, Lieutenant M. Hollings, of the 86th regiment, is appointed to act as interpreter and quarter-master to the former corps, vice Sandeman promoted.

His Excellency the Commander in Chief is pleased to make the following appointment :

10th regiment native infantry.—Lieutenant R. Ramsey to be interpreter and quarter-master, vice Grange, who has proceeded to Europe on furlough.

The appointment of Sergeant Peter Montgomery, of the 2d company 4th battalion of artillery, to be quarter-master Sergeant to the 37th regiment of native infantry, published in general orders of the 9th instant, is cancelled ; and that non commission officer is appointed an Overseer in the gun powder works at Ishapore, vice Prussie, who has obtained his discharge.

Sergeant John Forrest, of the 1st company 1st battalion of artillery, is transferred to the Town Major's list, and appointed quarter-master Sergeant to the 37th regiment of native infantry at Barrackpore, vice Montgomery.

By order of His Excellency the Commander in Chief.

J. R. LUMLEY, Major General

Adjutant General of the Army.

**Head Quarters, Simla, 23d March 1838.**—His Excellency the Commander in Chief having had under his consideration the weekly and reduced state in which native soldiers are reported to reach their regiments at the head quarters of the Rajpootana, Mewar and Malwah field forces, on their return from furlough, occasioned by their protracting their stay at their homes, until it is rendered difficult for them, except by the greatest possible exertion, to rejoin their regiments before the termination of their leave of absence, and being desirous of applying a remedy to this evil, is pleased to direct, that, previous to the departure of their men on furlough, the officers commanding regiments at Nusseerabad, Neemuch and Mhow shall warn them to leave their homes so as to admit of those for Mhow reaching Agra by the 3d of October, those for Neemuch by the 10th, and those for Nusseerabad by the 31st of that month.

2. The men, as they arrive at Agra, will report themselves to the Brigade Major, who, under the orders of the Brigadier Commandant, will provide tents for their accommodations, so long as they may remain at that station.

3. The Mhow party will proceed on the 5th Oct. under the senior native commissioned officer, by the regular marches ; and the parties for Neemuch and Nusseerabad will move on the 12th of that month respectively.

4. The Brigade Major at Agra will furnish the native officers commanding parties with routes ; and will make the necessary communications to the officers of the political department, to ensure supplies being provided for the men at the different stages.

5. The Superintending Surgeon of the Agra circle will make such arrangements as will enable him to hold a native doctor available to proceed with each party, supplied with such medicines as may be thought necessary ; and on the arrival of the men at their destinations, the brigadiers commanding the field forces will inspect the report, for this excellencies information, the state in which they may find them.

6. Officers commanding regiments are required to notice, as a disobedience of orders, any instance in which a soldier may fail to join at Agra in time to move with the party to which he may belong.

7. Commanding officers of corps from which men are about to proceed on leave, are to take care that every one is made acquainted with the date on which he is required to quit his house, in order to reach Agra at the appointed time ; and the calculation for this purpose is to be made as nearly as possible, so as to allow the individual one day for every 16 miles from his home to the place of general rendezvous.

8. It is to be considered a general rule throughout the service, that men returning from furlough, who, from having over-marched themselves, arrive in a debilitated state, rendering their admission into hospital necessary shall continue on the same allowances as if absent on leave, until they return to their duty perfectly recovered.

His Excellency the Commander in Chief is pleased to order the following removals and postings of medical officers :

Surgeon N. Morgan, on furlough, from the 62d to the 7th regiment of native infantry.

Surgeon J. Menzies, new promotion, to the 62d regiment of native infantry.

Assistant Surgeon E. Tritton, on furlough, to the 8th regiment of native infantry.

# GENERAL REGISTER.

Assistant Surgeon J. Stokes, M. D. on furlough, to the 32d regiment of native infantry.

Assistant Surgeon J. S. Login, M. D. to serve with the artillery at Dum-Dum.

Assistant Surgeon R. J. Brassey, on furlough, to the 37th regiment of native infantry.

*Head-quarters, Simla, 24th March 1838.*—The Dinapore division order of the 17th instant, directing the Superintending Surgeon to entertain, as a native doctor, Shaik Hooseainoo, who was lately employed in that capacity with the Ramghurh light infantry battalion, is confirmed.

His Excellency the Commander in Chief is pleased to make the following removals and postings of field officers :

Lieutenant Colonel Thomas Oliver, (on furlough) from the 3d to the 12th regiment native infantry.

Lieutenant Colonel B. Slesmore, (on furlough) from the 12th to the 3d regiment native infantry.

His Excellency is also pleased to make the following appointment :

7th regiment light cavalry.—Lieutenant C. Ekins to be Adjutant, vice Tabor, who has proceeded to Europe on furlough.

Hospital Apprentice John Lemon, who was appointed to the subordinate medical department, in general orders of the 9th Oct. inst, will do duty at head-quarters, until further orders.

By order of His Excellency the Commander in Chief.

*Head-quarters, Simla, 24th March 1838.*—The detachment order by Lieutenant Colonel C. R. Fiank companies 39th regt. N. I. Skardon, under date the 49th regt. N. I. 8th instant, appointing 71st regt. N. I. Lieutenant J. Smith, of the 49th regiment native infantry, to act as Adjutant to the troops noted in the margin, during the period they may be employed at a distance from the head-quarters of the corps to which they belong, is confirmed.

The regimental order, dated the 14th instant, by Lieutenant Colonel H. Ross, commanding the 7th native infantry, appointing Lieutenant S. C. Markey to act as Interpreter and quarter-master vice Huddleston nominated to a temporary civil situation, is confirmed.

Colonel Beresford having returned from leave of absence, has resumed the duties of the military secretary to His Excellency the Commander in Chief.

J. Burton, Drum Major, of the Pension establishment, is, as a special cause, transferred to the veteran company at Chunar.

The undermentioned officers have leave of absence.

5th regiment light cavalry.—Cornet E. W. C. P Snowden, from 15th April to 15th October, to visit Mussoorie, on private affairs.

6th regiment native infantry.—Lieut. Col. W. O. Mackenzie, from 5th March to 5th April to remain at the presidency, on medical certificate.

31st regiment native infantry.—Lieutenant Intr. and quarter master W. Lamb, from 12th March to 12th June, to visit the presidency, on medical certificate preparatory to applying for leave to sea.

58th regiment native infantry.—Major H. C. M. Cox, from 19th February to 9th March, in extension, to remain at the presidency, until the arrival of his regiment.

By order of His Excellency the Commander in Chief.

*Head-quarters, Simla, 26th March, 1838.*—Surgeon T. Tweedie (on furlough) is removed from the 6th to the 65th regiment of native infantry.

Surgeon B. Wilson (new promotion) is posted to the 6th regiment of native infantry.

Lieutenant G. Pengree, of the invalid establishment, is permitted to reside in the north western hills, drawing his pay and allowances from the deputy pay-master at Meerut.

*Head-quarters, Simla, 28th March, 1838.*—In preparing the rolls of individuals proposed to be transferred to the invalid establishment, commanding officers of corps are directed to insert, in the fullest manner, in the column for remarks, the characters of all men who have served forty years and upwards.

The Dinapore division order of the 13th instant, directing Assistant Surgeon M. Nightingale, on being relieved from his duties as officiating Civil Assistant Surgeon at Mouhyr, to proceed to Dinapore, and to duty with Her Majesty's 31st regiment, is confirmed.

His Excellency the Commander in Chief is pleased to make the following appointments :

19th regiment native infantry.—Lieutenant W. L. Mackeson to be Adjutant, vice Smith, who has proceeded to Europe on furlough.

69th regiment native infantry.—Lieutenant J. H. Hatchell to be Adjutant, vice Smith who has proceeded to Europe on furlough.

Captain C. H. White, of the invalid establishment, is permitted to reside in the hills north of Deyrah, drawing his pay and allowances from the deputy pay-master at Meerut.

By order of His Excellency the Commander in Chief.

*Head-quarters, Simla, 29th March, 1838.*—The presidency division order of the 12th instant, appointing 2d Lieutenant J. W. Kaye, of the 3d company 1st battalion artillery, to the command of the detachment of gendarmes at Kyook Phyou, Arracan, is confirmed.

Lieutenant Colonel W. A. Yates's regimental order of the 10th instant, appointing Lieutenant Y. Lamb to act as interpreter and quarter-master to the 51st native infantry, vice W. Lamb proceeding on leave, is confirmed.

Captain F. Beatty's detachment order of the 18th ultimo, appointing the undermentioned non-commissioned staff to the detachment of European recruits under his command, is confirmed :

Acting Sergeant Thomas Watts to act as provost, Sergeant, vice Wilson deceased.

Acting Corporal John Rogers to act as Sergeant, and private Thomas Hammond as Corporal, vice Watts promoted.

Ensign T. H. Shum, of the 25th, is, at his own request, removed, as junior of his rank to the 33d regiment of native infantry.

The undermentioned officers have leave of absence :

51st regiment native infantry.—Captain C. Griffin, from 12th March to 12th April to enable him to resign.

67th regiment native infantry Lieut. Colonel N. Chalmers, from 15th March to 15th April in extension, to remain at the presidency, on medical certificate.

By order of His Excellency the Commander in Chief.

J. R. LUMLEY, Major Genl,  
Adjutant General of the Army

*Head-quarters, Simla, 2d April, 1838.*—The Sirhind artillery division order of the 24th ultimo, appointing 2d-Lieutenant A. G. Hutchinson to act as Adjutant to the left wing of the 3d battalion artillery, vice Timbrell appointed to the horse artillery, is confirmed.

The Dinapore division order of the 6th February last directing all reports of the division to be made to Colonel T. Newton, of the 40th regiment of native infantry, is confirmed.

*Head-quarters, Simla, 4th April, 1838.*—An unfortunate occurrence at Deyrah, which took place in January last, in which the conduct of the medical officers at Mussoorie and Deyrah were implicated, has led to a voluminous correspondence being laid before the Commander in Chief.

In that correspondence is an official letter from Lieutenant Colonel Young, conveying the sentiment following, as from the medical officer at Deyrah :

" He has no objection to attend A, or any other patient of B's (the medical officer at Mussoorie) under the customary rules of etiquette ; but it is usual on such occasions for the medical adviser in attendance on the patient to call in further aid himself, should the case demand it ; as no request, coming from friends, can be attended to, without the probability of giving offence."

## GENERAL REGISTER.

The doctrine, based on medical etiquette, that the friends of an invalid calling on a medical officer for the aid of his skill, cannot be attended to by an officer of the Hon. Company's service, unless called on through the medical officer (with whose practice, or success, those friends are perhaps dissatisfied) appeared to the Commander in Chief to be opposed to reason and sense.

He therefore caused reference to be made to the medical board, for their sentiments on the case.

The following paragraph, in the reply of the medical board, accords exactly with His Excellency's opinions; and he publishes it, for the future guidance of medical officers, and for the especial attention of those who were parties in the transaction under consideration. "If the word etiquette imply only complimentary ceremony or forms of intercourse, it has on this occasion been very improperly used by medical officers, with reference to the serious duties of their profession, which demand that the welfare of a patient should ever be paramount to all ordinary feelings and considerations."

His Excellency directs, that the latter part of this quoted paragraph may be carefully attended to; and that "rules of etiquette" may not again be advanced in extenuation of any medical neglect.

*Head-quarters, Simla, 5th April 1838.*—The Allahabad garrison and cantonment order of the 25th ultimo, directing Captain A. Stewart, of the European regiment, in charge of recruits for that corps to proceed on to Cawnpore with Captain Thompson's detachment of Queen's troops, and Assistant Surgeon J. Smyth, M.D., to continue to afford medical aid to the party, is confirmed.

The undermentioned officers have leave of absence :

1st regiment native infantry.—Ensign G. P. Goad, from 30th April to 20th November, to visit the Presidency, on private affairs

42d regiment native infantry.—Captain J. Leeson, from 5th March to 10th November, to visit the hills north of Deyrah, on medical certificate.

62d regiment native infantry.—Lieut. R. E. T. Richardson, from 2d April to 31st October, to visit the Presidency, on urgent private affairs and preparatory to applying for furlough.

By order of His Excellency the Commander in Chief.

*Head-quarters, Simla, 5th April 1838.*—In promulgating to the army, the following extract of a military letter from the Honorable the Court of Directors, No. 89, dated 20th December 1837.

His Excellency the Commander in Chief directs the strictest conformity to the changes in dress therein authorized :

"8. We authorize the use of the gold strap on the shoulder of the blue frock coat, for officers of infantry, as recently introduced into Her Majesty's service.

"9. The introduction of the blue frock coat for native officers, and of gaiters for the sepoy, we are of opinion, would entail on unnecessary expense upon the troops, and we desire, that the use of these articles be forbidden accordingly."

A description of the shoulder-strap now sanctioned, is subjoined for general guidance.

*Shoulder-straps*—blue cloth, laced round with lace of the established regimental pattern, with metal crescent; the strap to be attached to the coat by brass tongue and gold lace bladder. The different ranks of field officers to be distinguished by the crown and star. Officers of grenadier companies to have a silver grenade within the crescent; officers of light infantry companies to have the bugle within the crescent.

Under instructions from Government, His Excellency the Commander in Chief is pleased to direct officers commanding European corps and detachments, in which "soldier's libraries" have been established, to forward annually to the adjutant General of the Army, on the 1st of July, a report on the state of their respective libraries, for communication to the Honorable the Court of Directors: and they are required, at the same time, to state, what advantages may appear to them to have attended their institution.

The Agra district order of the 19th ultimo, directing Hurrechurn Sing, native Doctor, doing duty with the 16th light cavalry, to repair to Agra, and report himself to Superintending Surgeon Ludlow, with the view to his being appointed to a situation in the civil department, is confirmed.

The leave of absence granted to Major H. D. Coxe, of the 35th native infantry, in general orders of the 31st October last,

is to have effect from the 1st January to the 1st August 1831, instead of the dates therein specified.

Cornet Francis Walker Drummond, who was brought on the effective strength in Government General Orders No. 41, of the 19th ultimo, is posted to the 8th regiment of light cavalry, and directed to join.

Assistant Surgeon G. Rae, whose service are placed at the disposal of His Excellency the Commander in Chief, in Government General Orders No. 41, of the 19th ultimo, is directed to do duty under the orders of the Superintending Surgeon at Barrackpore,

Sergeant Major Thomas Clinton, of the Hurriannah light infantry battalion, is appointed Bazar Sergeant at Kurnaul, vice Stokes reduced by the sentence of a court martial.

Sergeant Michael Twoomey, of the European regiment, is transferred to the Town Major's list and appointed Sergeant Major to the Hurriannah light infantry, vice Clinton.

Sergeant Major Twoomey is to be sent forth with to joint his new corps at Hanaul.

*Head-quarters, Simla, 6th April, 1838.*—The Cawnpore division order of the 9th ultimo directing the commissariat officer in charge of the sudder bazar, to hire a boat, with a small establishment, for the purpose of being employed in removing to some distance below the station, the numerous dead bodies, which have collected on the bank of the river opposite the cantonments, or which may hereafter be thrown ashore, is, for so long a period as the measure may be considered necessary, confirmed.

The Berhampore station order of the 10th ultimo, appointing Assistant Surgeon R. Marshall, M. D. to the medical charge of the staff and artillery details at that post, from the date of the departure of the 66th regiment native infantry, is confirmed.

Captain W. Macgregore, Deputy Judge Advocate General of the saugor division is appointed to officiate as Deputy Judge Advocate General to the Meerut division, during the absence, on leave, of Captain Weston, or until further orders.

Conductor W. Gibson, who was posted, to the Saugor magazine in general orders of the 19th ultimo, is directed to continue attached to the magazine at Cawnpore until further orders.

By order of his excellency the Commander in Chief.

*Head-quarters, Simla, 10th April 1838.*—The Meerut station order of the 2d ultimo, directing 2d Lieutenant F. Turner, of the 2d brigade horse artillery, to receive charge from Captain Dennis of remounts for the horse artillery and native cavalry at Kurnaul, and to proceed with them to that station, is confirmed.

The Cawnpore division order of the 30th ultimo, appointing Hospital Steward W. Brookes to act as apothecary to Her Majesty's 16th foot, vice Permen, is confirmed.

The Agra garrison and station order of the 29th ultimo, placing Hospital Apprentice E. Ensor, of the European regiment and Ameer Khan, native Doctor, of the artillery hospital, at the disposal of the civil surgeon at Agra, to assist in the treatment of cholera in the city, is confirmed.

*Head-quarters, Simla, 11th April 1838.*—The Meerut division order dated the 29th ultimo, appointing Captain W. F. Beatoz, of the 54th regiment native infantry, to act as Deputy Judge Advocate General to the division, during the absence, on leave, of Captain Weston, is confirmed as a temporary arrangement, and until the arrival at Meerut of Captain Macgeorge.

The Meerut division order of the 2d instant, appointing Bombardier Edward Hughes, of the 2d company 4th battalion artillery, to act as laboratory man in the Agra magazine, is confirmed.

The Benares division order of the 10th ultimo, directing Soobhanally to be entertained as a native doctor, for the purpose of accompanying a detachment from the 5th regiment of native infantry proceeding to Azimganj on escort duty, is confirmed.

The appointments of hospital apprentice J. Fagan to act as assistant apothecary and assistant steward to the 1st division, and assistant apothecary G. Oliver as assistant apothecary and assistant steward to the 2d division, of Her Majesty's 11th dragoons, during the progress of those detachments from Cawnpore to the presidency, are confirmed; the former from the 4th of December to the 15th of January, and the latter from the 11th of December to the 2d of February last.

## GENERAL REGISTER.

Sergeant John Owen, of the 1st company 2d battalion of artillery, is transferred to the town major's list, and appointed quarter master sergeant (1 the Joudpore legion, vice taken, whose appointment, as notified in general orders of the 17th ultimo, has not taken place.

Quarter Master Sergeant Owen will proceed forthwith and join his new corps.

*Head-quarters, Simla, 12th April 1838.*—The presidency division order of the 27th ultimo, directing Ensign C. T. Chamberlain, recently admitted into the service, to do duty with the 57th regiment of native infantry at Barrackpore, is confirmed.

The Hansi station order of the 26th of December last directing the barrack department to level and lay dry all receptacles for stagnant water south of the canal, and to extend the lines of the Hurrianah light infantry, is confirmed.

Captain T. H. Scott, of the 38th regiment of native infantry, is permitted to visit Meerut and Mussoorie, during the leave of absence granted to him in general orders of the 16th ultimo.

The undermentioned officers have leave of absence :

3d regiment native infantry.—Lieutenant R. N. MacLean, from 15th April to 15th October, to visit Simla, on private affairs.

This cancels the leave granted to Lieutenant MacLean, in general orders of the 20th of February last.

45th regiment native infantry.—Captain K. Campbell, from 15th April to 15th October to visit Almora and Mussoorie, on private affairs.

48th regiment native infantry.—Lieutenant H. D. Van Homrigh, from 1st May to 30th June, to visit Mussoorie, on private affairs.

Sirmoor battalion.—Captain J. Fisher, 2d in command, from 28th March to 12th April, to visit Mussoorie, on private affairs.

*Head-quarters, Simla, 13th April 1838.*—His Excellency the Commander in Chief is pleased to make the following removals and postings in the regiment of artillery :

Captain C. Grant, from the 3d company 5th battalion to the 4th company 3d battalion.

Captain J. Turrion, (new promotion) on furlough, to the 1st troop ad brigade horse artillery.

By order of His Excellency the Commander in Chief,  
**J. R. LUMLEY, Major General,**  
*Adjutant General of the Army*

### GENERAL ORDERS TO THE QUEEN'S TROOPS.

*Head-Quarters, Simla, 29th March 1838.*—No. 118.—Her Majesty has been pleased to make the following promotions and appointments in the regiments serving in India :

3d Foot.—Staff Assistant Surgeon Samuel Currie, M. D., to be assistant Surgeon, vice Law deceased, 20th October 1837.

4th Foot.—Lieutenant William Perssee, from the half-pay of the 30th foot, to be Lieutenant, vice Wilson appointed to the 86th Regiment, 20th October 1837.

Edward James Baldwyn, gent. to be Ensign, by purchase, vice Wilby promoted 20th October 1837.

16th foot.—pay-master John Grant, from the half pay of the 88th regiment of foot, to be pay-master, vice Ford Cashiered, 20th October 1837.

17th foot.—Lieutenant Wellington Hackett to be Captain, by purchase, vice Church, who retires, 27th October 1837.

Ensign Oliver Paget Bourke to be Lieutenant, by purchase, vice Hackett, 27th October 1837.

Gentleman Cadet Edward Croker, from the Royal military College, to be Ensign, by purchase, vice Bourke, 27th Oct. 1837.

26th foot.—Ensign John William Johnstone to be Lieutenant, without purchase, vice Heming deceased, 25th February 1837.

Ensign Charles Cameron to be Lieutenant, without purchase, vice Barnes appointed to the 3d light dragoons, 1st July 1837,  
57th Foot.—Lieutenant John Owens to be Captain, without purchase, vice Gray deceased, 9th September 1837.

Ensign Langford Frost to be Lieutenant, vice Owens, 9th September 1837.

Gentleman cadet Frederick, C. W. Fitzpatrick, from the Royal Military College, to be Ensign, vice Frost, 20th October 1837.

The Commander in Chief has been pleased to make the following promotions until Her Majesty's pleasure shall be known :

39th foot.—Lieutenant Robert D. Werge to be Captain, by purchase, vice Spencer, who retires, 28th March 1838.

Ensign Wordsworth Smith to be Lieutenant, by purchase, vice R. D. Werge promoted, 28th March 1838.

Colonel Beresford having returned from leave of absence, has resumed the duties of the military secretary to His Excellency the Commander in Chief.

The Commander in Chief in India has been pleased to promote the undermentioned officer to the Rank of Colonel, by Brevet, in the East Indies only :

41st Foot.—Lieutenant Colonel Richard England, K. H., date of Commission, 18th June 1833.

The leave of absence granted to Lieutenant Mockler, 57th foot in the general order of the 14th December, No. 85, for 2 years, to England, on private affairs, is cancelled at that officer's request.

The leaves of absence granted by His Excellency Lieutenant General Sir P. Maitland, K. C. B., to the undermentioned Officers, are confirmed, from the date of embarkation :

39th foot.—Captain G. Sleeman, for 10 months, to proceed to Sea, and to the upper provinces of Bengal, on medical certificate.

54th ditto.—Lieutenant U. Boyd, to England, for 2 years, on medical certificate.

The undermentioned officers have leave of absence :

16th foot.—Lieutenant G. H. Wallace, from 26th March to 24th November, to Landour, on medical certificate.

31st ditto.—Ensign G. Douglas, from 20th March to 19th May, to Calcutta, for the purpose of a appearing before a medical board.

49th ditto.—Brevet Captain R. Campbell, from 2d April to 30th June, to Nonore, on private affairs.

*Head-Quarters, Simla, 5th April 1838.*—No. 119.—Serious neglects, or omissions having occurred on the embarkation of Her Majesty's 11th light dragoons, and the invalids of the season 1837, at Calcutta, His Excellency the Commander in Chief directs attention to be paid to the 38th page of the regulations and orders for the army, 1st of June 1837,—and to the following pages to 406.

His Excellency orders that all parts of those regulations which are capable of being applied to Her Majesty's troops arriving at, or departing from, any port in the East Indies, may be so applied as they would be "in any port of the United Kingdom."

It appears to have been a practice in Calcutta to make the inspection of the "medical comforts" for the use of sick and convalescent soldiers, at the stores of the commissariat department.

This is forbid : and every article allowed to the soldiers, is to be inspected on board the transports ; so that it may not again occur that ships go to sea without hammocks, or the comforts which are granted for the soldiers.

The regimental order of the 20th March 1834, by the officer commanding 62d regiment, appointing Lieutenant Fender of that corps, to act as interpreter, during the employment of Lieutenant Corfield in the duties of Adjutant, is confirmed.

The order dated 3d January, by Lieutenant Hadfield 3d light dragoons, commanding the detachments of Her Majesty's troops proceeding to the upper provinces, by water, appointing Sergeant J. McKeever, 3d light dragoons, to act as Sergeant Major, and

## GENERAL REGISTER.

Sergeant J. Grieve, as provost Sergeant to the detachments, is confirmed.

The undermentioned officers have leave of absence :

13/A regiment—Captain H. N. Vigors, from 1st May to 1st November next, Simla on private affairs.

46th ditto—Ensign H. S. Michell, to Gwalior, for 6 months from the date of his departure from the Regiment, on private affairs.

*Head-Quarters, Simla, 22d March 1838.*—No. 118.—A report having been made to the Commander in Chief, that several officers absent from their Corps at Calcutta, have lately quitted the Presidency for the upper Provinces—some for England, and that others have changed their quarters without making the required report to the Brigade Major Queen's troops : His Excellency is pleased to call the attention of all officers to the general orders of the 13th June 1816, and 10th June 1826; and to desire, it may be made known, that he will take serious notice of the next case of inattention to these orders, which is reported to him.

His Excellency the Commander in Chief, has been pleased to make the following appointment until Her Majesty's pleasure shall be known :

55th Foot—Lieutenant J. R. Magrah to be Adjutant, vice Heriot, who resigns the Adjutancy only, 17th March 1838.

The order by the officer commanding the Cawnpore division, dated 8th instant, directing assistant Surgeon Chapman, 16th Lancers, to proceed in medical charge of the detachments of that, and other corps, under the command of Lieutenant Holder, 13th foot, on the march to Meerut, is confirmed.

The leaves of absence granted by His Excellency Lieutenant General Sir P. Maitland, K. C. B., to the following officers, are confirmed :

4th Foot—Lieutenant Colonel England, for 2 years, to Europe, from date of embarkation, on private affairs.

39th ditto—Captain J. L. Innes, ditto, ditto, on medical certificate.

The undermentioned officers have leave of absence :

3d Light dragoons—Major C. G. Slade, from 25th March to 29th June next, to visit Simla, on private affairs.

4th foot—Ensign W. Shelton, for 2 months, to Calcutta, to appear before a medical board.

62d ditto—Lieutenant R. Gibson to England, for 2 years from date of embarkation, on private affairs.

By order of the Commander in Chief.

*Head quarters, Simla, 12th April 1838.*—No. 120.—Her Majesty has been pleased to make the following appointment :

13th light dragoons.—Lieutenant Werner Cathrey, from the 11th light dragoons, to be Lieutenant, without purchase, vice Ridge promoted, 29th September 1837.

The Commander in Chief has been pleased to make the following promotions until Her Majesty's pleasure shall be known :

3d Foot.—Lieutenant Donald Stewart to be Captain, without purchase, vice Carnac deceased, 3d April 1838.

Ensign Peter Browne to be Lieutenant, without purchase, vice Stewart promoted, 3d April 1838.

With reference to the general order of the 1st of March last, appointing Captain Carnac, 3d Buffs, to act as pay-master, during the absence, and on the responsibility of pay-master Lukis of that corps, Captain D. Stewart, in consequence of the death of Captain Carnac, will perform the duties of pay-master, during the further absence of pay-master Lukis, at the desire and under the responsibility of the said pay-master.

The division order by Major General Sir Willoughby Cotton, C. B. & K. C. H., dated 25th March 1838, granting leave of absence to Ensign Douglas, 31st foot, to proceed to England, for 2 years from date of embarkation, on medical certificate, is confirmed.

The undermentioned officer has leave of absence :

9th foot—Lieutenant G. S. Tytler, attached as interpreter to Her Majesty's 16th Lancers, for 1 month from the 24th March, to proceed to Gwalior, on urgent private affairs.

By order of the Commander in Chief,

R. TORRENS, Major Genl.

Adj. Genl. to Her Majesty's Forces in India.

## SHIPPING INTELLIGENCE.

### ARRIVALS AT KEDGEREE.

March 31st.—English barque *Betsy*, Sumfield, from Bombay 21st January, and Madras 26th March.

April 1st.—English barque *Selma*, D. Luckie, from Liverpool 7th November.

3d.—American ship *William Gray*, W. Bartoll, from Boston 18th October.

3d.—English ship *Pearl*, P. Stark, from the Mauritius 12th February.

4th.—French barque *Lancier*, H. Aubin, from the Mauritius 9th February.

5th.—American ship *Edward*, J. H. Cheyney, from Philadelphia 19th October and Madeira 6th December; English ship *Emma*, S. D. Hudson, from the Mauritius 25th Feb. and Madras 30th March.

6th.—English barque *Alfred*, Thos Jameson, from the Mauritius 22d February; English barque *Water Witch*, H. Roynell, from China 5th and Singapore 18th March.

April 7th.—English Schooner *Flora MacDonald*, Rt. Major, from Rangoon 16th March.

8th.—English barque *New Grove*, W. Johnston, from Madras, 1st April.

9th.—English schooner, *Margaret*, D. Tapley, from Rangoon 14th March.

14th.—English barque *Lawrence*, H. Gill, from Liverpool 2d December; American ship *Washington*, L. T. Thurber, from Philadelphia 21st December.

15th.—American barque *Gasper*, N. Pool, from Boston 14th December; H. C. Steamer *Ganges*, J. M. Dicey, from Rangoon 10th April.

16th.—English barque *Rob Roy*, McKinnon, from China 19th March; English Brig *Elisabeth*, M. Thaddens, from Rangoon 29th March.

17th.—American barque *Eugene*, D. R. Glass, from Boston 19th December.

18th.—English barque *Hindoo*, J. M. Gill, from Liverpool 2d December.

19th.—English ship *Victory*, W. Blackley, from Liverpool 2d December.

20th.—English ship *Bussorah Merchant*, L. W. Mencrief, from Hobart Town 14th February.

21st.—English schooner *Attaras*, C. B. Smith, from Montserrat 5th April; English ship *Thalia*, W. Graham, from Liverpool 27th December, and English brig *Frederick Huth*, J. Toby, from the Mauritius 7th March.

22d.—Netherland barque *Cherebon Packet*, C. Kourish, from Batavia 26th January, and Padang 16th March; H. M. Ship *Victor*, Capt. R. Crozier, from Madras 12th April.

24th.—English brig *Brigand*, D. Wemyss, from Penang 24th March.

26th.—English Ship *Recovery*, T. Johnson, from the Downs, 1st June and Hobart Town 8th August

### ARRIVALS OF PASSENGERS.

*Per Lancier*.—C. Hills, Mariner, and Mad. V. Aubineau.  
*Per Edward*.—Rev. H. R. Wilson and Lady, Rev. J. H. Morrison and Lady Rev. James Craig, Lady and Child, Rev. Reese Morris, Lady and 2 Children, Missionaries.

*Per Water Witch*, from New South Wales via Singapore.—T. H. Blacoe, Esq., E. C. S. and Captain Johnston, E. N. I.

## GENERAL REGISTER.

*From China*—P. Grand, Esq., M. C. S.; W. E. Legie and D. M. Gordon, Esqrs., Merchants.

The *Bhangurru* in tow of the Iron Steamer *Megna*, arrived on Monday from Allahabad with the following passengers, viz: Miss Cartais; Lieutenant Hawkes; Mr. W. Preston; Mrs. Bruce; Mr. and Mrs. Lauchlin; Lieutenant Otley.

*Per Victory*.—Major McKie, Lady and 7 Children; Thomas Allen, Esq., Surgeon; Mr. John Russell, Merchant, Steerage Passenger.

*Per Altaran, from Mouline*.—Captain H. Spooner, Country Service.

### DEPARTURES FROM CALCUTTA,

April 1st.—*Saostris*, A. Yates, for London; *Bari of Clare*, J. Scott, for the Mauritius; *Indiana*, A. Gillett, for London.

April 12th.—*Cito*, P. Reignol, for the Mauritius,

April 21st.—*Arethusa*, J. Taylor, for Singapore.  
26th.—*Jessy*, J. Auld, for Penang.  
27th.—*Atlas*, Gallet, for Bourbon.

### DEPARTURES OF PASSENGERS.

*Per Roxburgh Castle, for London*.—Mrs. McKay, Mrs. Broad and Mrs. Thompson and 2 Children; Miss McKay; Major Anderson; Mrs. Turner and Jackson; Messrs. Graham and Tottenham, C. S.; Mr. Portins, Merchant; Lieut. Douglas and Slotten, and Mr. Broad. *Steerage Passengers*.—Messrs. Sherin and Colman.

The *Matabanca* in tow of the *Thames* Steamer left for Allahabad on Sunday afternoon with the following passengers: viz.—Mr. and Mrs. Dickens and Child; Mrs. Ryan; D. C. Richardson, Esq.; Lieutenant Watson, 44th Regiment; Lieutenant Fisher, 3d Dragoons; Mr. G. R. Cline and three Children.

## DOMESTIC OCCURRENCES.

### BIRTHS.

Mar. 6. At Bareilly, on Tuesday, the lady of Captain Polwhele 47d native infantry, of a daughter.

10. At Futtighurh, Mrs. C. Brierly, of a son.

20. At Calcutta, Mrs. George K. McR Eddie, of a son.

23. At Cawnpore, the lady of Lieut. J. E. Tood, king's own dragoons, of a daughter.

24. At Lucknow, the lady of Captain R. Wilcox, of a son.

— At Delhi, the lady of Captain Graham, assistant to general superintendent, Thuggee department, of a son.

— At the farm in Mysore, the lady of assistant surgeon W. Gilchrist, of a daughter.

— At Mahabuleswar, the lady of Henry Young, Esq., of the civil service, of a daughter.

25. At Dharwar, the lady of Major Billamore, 1st Grenadiers, of a daughter.

26. At Sylhet, the lady of Lieut. H. Thuillier, artillery, revenue survey department, of a son.

27. At Calcutta, the lady of Captain James Pearson, of the country service, of a daughter.

29. At Calcutta, in Chowringhee Lane, Mrs. Gego, of a son.

30. At Calcutta, the wife of Mr. Richard Deefholts, of a son.

— At Bishnauth, Assam, the lady of Lieut. John Innes, of the artillery, of a daughter.

Apr. 1. At Muttia, the lady of Cornet W. S. Mosley, 10th light Cavalry of a son.

2. At Raufmahul, the lady of T. B. Rice, Esq., of a son.

— At Neemuch, the lady of Captain J. A. Scott, 1st Regiment Light Cavalry, of a son.

4. At Meerutt, the lady of Charles Havelock, Esq., 16th Lancers, of a daughter.

6. At Dum-Dum, Mrs. John Watson, of a daughter.

— At Boorbbom, the lady of John Hadley D'Oyly, Esq., of the Civil Service, of a son.

— At Burdwan, the lady of the Reverend J. Weitbrecht, of a daughter.

— At Chirra Poonjee, the lady of W. Lewin, Esq. of the invalid establishment, of a son.

8. At Chinsarab, the lady of Captain M. Smith, Her Majesty's 9th Regt. of a daughter.

11. At Calcutta, the wife of Mr. James Black, Branch Pilot, of a son.

12. At Calcutta, the wife of Mr. C. Rose, of a son.

13. At Calcutta, the lady of Lieut. Col. Cheape, of a daughter.

— At Calcutta, the lady of Lieut. Col. Cheape, of a daughter.

— At Hooghly, the lady of W. H. Belli, of a daughter.

14. At Calcutta, the lady of Mr. J. Davidson, of a son.

— At Midnapore, the lady of Captain Griffin, 24th native infantry, of a daughter.

16. At Calcutta, the lady of H. G. Martindell, Esq., Attorney at Law, of a son.

17. At Chowringhee, the wife of Mr. J. F. Deather, of a daughter.

— At Calcutta, Mrs. John Hammerdinger, of a daughter.

19. At Calcutta, the wife of Mr. J. Garberry, Government Place, of a son.

— At Calcutta, the lady of J. Lewis, Esq., of the civil service, of a son.

— At Chandernagore, at the residence of Mr. W. Wilson, the wife of Mr. D. E. Rodriguez, of a daughter.

20. At Chowgatchie, near Jessore, the lady of G. R. J. Meares, Esq., of a daughter.

— At Dinapore, the wife of Mr. W. B. Tytler, superintending engineer, of a daughter.

25. At Calcutta, Mrs. Thomas Black, of a daughter.

26. At Calcutta, the lady of Thomas Brae, Esq., of a daughter.

28. At Calcutta, Mrs. Thomas E. Mullins, of a son.

At Dawson's Hotel, Nelloherries, the wife of Mr. H. R. Dawson, of a son.

Europe.—In New Broad Street, London, on the 25th November, the lady of George Farbury, Esq., of a daughter.

### MARRIAGES.

Mar. 20. At Havil Bagh, by the Rev. G. Ward, A. B., at the residence of Captain Stuart Corbett, Commanding Kumaon local battalion, and 1st assistant to the commissioner, Andrew Walker Esq., assistant surgeon Kumaon local battalion, to Miss Georgiana Britton, youngest daughter of the late Thomas Britton, Esq., of Forrest Hill, Kent.

28. At Calcutta, at the Cathedral, by the Rev. H. Fisher, Mr. John Hubbard, to Mrs. Charlotte Reidy.

Apr. 2. At Calcutta, at the Cathedral, by the Rev. H. S. Fisher, Mr. William Edward Templeton, to Miss Mary Anne LeClerc.

3. At Hntowise, William Cooke, Esq. of Irwarrah, to Mrs. Eliza Nisbett.

7. At Calcutta, at the Cathedral, by the Rev. H. S. Fisher, Mr. H. G. Leicester, to Jessy Maria, eldest daughter of Thomas Bartlett, Esq.

— At Mirzapoor, by the Rev. H. Pratt, A. M., Edward Anderson Reade, Esq., of the Civil Service, to Eliza, youngest daughter of the late R. N. Burnard, Esq. of Crewkerne, Somersetshire.

At Dum-Dum, Mr. William Watson, officiating assistant Steward, detachment 4th battalion artillery, to Mrs. E. Morrison, matron of the female hospital.

16. At Calcutta, at the Cathedral, by the Rev. H. S. Fisher, Mr. William Edward Middleton, to Miss Mary Ann Frisby.

18. At Calcutta, at the Cathedral, by the Rev. H. Fisher, Captain Pierre Real, to Amelie Aubineauce Duval.

— At the Cathedral, by the Rev. H. Fisher, Mr. Joshua Horatio Counsell, assistant Custom House, to Miss Elizabeth Carapiet, the eldest daughter of Mr. Mackertoon Carapiet, of Calcutta.

21. At Calcutta, by the Rev. H. S. Fisher, at the Cathedral, Mr. Mark Thornhill Wade, Clerk in the Police Office, to Miss Louisa Isabella Bastard.

25. At the Cathedral, by the Rev. H. Fisher, Joseph Welsh, Esq., to Harriett Mary, second daughter of J. M. Dove, Esq.

— At Calcutta, by the Rev. H. S. Fisher, at the Cathedral Sergeant Wm. Dixon, School Master H. M. 9th Regt., to Mrs. Mary Little.

July 6. At Malacca, John Minjoot, Esq., to Miss Catherine, Maidman, of Panang.

### DEATHS.

Mar. 10. At Bareilly, Jane, the beloved wife of Mr. H. I. F. Berkeley, Principal Sudder Ameen, leaving a large family of children, and numerous relatives and friends to be moon their irreparable loss, aged 38 years.

17. At Calcutta, the infant son of Mr. W. B. H. Greene, aged 2 months and 1 day.

21. At Agra, of Cholera, Benjamin Wickes Marshman, Esq., the second son of the late Reverend Dr. Marshman, aged 28 years.



# GENERAL REGISTER.

3. At Dacca, C. D. Elias, Esq., aged 35 years.
27. At Delhi, Mr. C. Whitmore, Under Master of the Agra College, of Spasmodic Cholera, aged 24 years.
  - At Agra, Edward Greenway Paschaud Horn, aged 1 year, 19 months and 27 days.
28. At Calcutta, Mrs. E. Maxwell, wife of Captain Maxwell, aged 57 years.
29. The Rev. C. Knorpp, of the Church Mission Society, aged 31 years.
30. At Calcutta, Master John Peter, aged 10 years.
  - At Calcutta, Thomas Samuel Keymer, son of the late Mr. G. Keymer, of the Pilot Service, aged 9 years, 6 months and 20 days.
  - At Chinsurah, Mr. Joakim Voacconcellos, aged 24 years, 8 months and 9 days.
- Apf. 1. At Calcutta, of Cholera, Augustine Fanny, youngest daughter of Monsieur and Madame Nouveau, aged 2 years and 5 months.
  - At Meerutt, Frederick, the fourth son of Major Hoggan, of the 53d Native Infantry.
  - At Calcutta, Mr. Peter Bettoney, aged 54 years.
  - At Calcutta, Major Henry Andrews, of the Queen's own regiment of 3d light dragoons.
  - At Chirra, Maria Julia, wife of James Davenport, Esq., M.D., Assistant-Surgeon.
  - 5. Anne, his relict, aged 29 years.
  - At Calcutta, Dr. Richard Randolph Fleming, Garrison Assistant Apothecary, aged 22 years.
    - On the river above Chitpore, Selina, the beloved daughter of Captain and Mrs. Butler, of 3d native infantry, aged 6 years and 5 months.
  - 4. At Calcutta, of Cholera, Colonel George Alexander Dyce, aged 50 years, for many years in the Service of Her Highness the late Begum Sombre and father of D. O. Dyce Sombre, Esq., who succeeded, will, to the whole of the personal property of the Begum
    - At Calcutta Robert Wardlaw Ramsay, infant son of Captain A. B. Clapperton, aged 11 months and 6 days.
    - At Meerutt, after a short but severe illness, and at the early age of 16, Mr. H. Robbins, of Her Majesty's 16th Lancers, deeply and deservedly regretted by all his Regiment, who had opportunities of knowing his real worth.
  - 6. At Calcutta, Lieutenant William Maule, H. M. 20th Camerunians, aged 27 years.
  - 7. At Agra, of Cholera, Messrs. J. and H. Babedean, within a few hours of each other.
  - 8. At Calcutta, of Cholera, Mr. J. D'Mottos, aged 67 years, 2 months and 24 days.
    - At Calcutta, of Cholera, Mrs. S. Robison, aged 70 years.
    - At Calcutta, Chas. Adolphus Williams, son of Mr. Andrews Williams, Architect, aged 6 years, 11 months and 23 days.
  - 9. At Calcutta, Mr. George Moles, Teacher in the Hindoo College, aged 41 years, 6 months and 26 days.
    - At Calcutta, George Archibald, the only son of Mr. and Mrs. George Smith, aged 5 years and 2 days.
    - At the General Hospital, Staff Sergeant Thomas Owens, of the Arsenal Department, Fort William.
    - At the General Hospital, Mr. T. B. Kirk, aged 27 years.
  - 10. At Chirra Poonjee, the infant son of W. Lewin, Esq., aged 4 days.
    - At Tipperah, of small-pox, Mr. James Martinelly, Assistant in the office of the Civil and Session Judge, aged 28 years and 14 days.

13. At Agia, of Cholera Mr. John Tomlin, aged 23 years.
  14. At Chittagong, after a few hours' illness, George Doucett, Esq., aged 53 years.
  15. At Calcutta, Mr. James Skelton, aged 53 years.
    - At Banneah, Lieutenant G. Shalpr, of the 15th regiment of Bengal native infantry, aged 26 years.
  17. At Calcutta, Hannah, daughter of Mr. William Preston, aged 1 year, 5 months 2 days.
    - At Calcutta, Mrs. Sarah Rabeholm, wife of Mr. C. C. Rabeholm, Assistant to the Salt Agent of the 24-Pergunnahs, aged 27 years.
  18. At Calcutta, Mrs. Louise Bracken, H.C. 29th Native Infantry, aged 26 years and 3 months.
  19. At Calcutta, of small-pox, Mr. N.T. Boyesen, eldest son of the late Capt. Boyesen, of Serampore, and lately an Examiner in the Revenue Board Office, aged 30 years
    - In Kyd-street, Chowringhee, at the residence of Major Burlton, Miss Caroline Louisa Comyn, youngest daughter of the late Lieut. Colonel Powell Thomas Comyn, of the Bengal Army, aged 18 years and 2 months, much and most deservedly beloved and regretted.
  20. At Calcutta, of small-pox, Elizabeth, the daughter of the late Samuel Evison, Commander of the *Mattabangya* Flat, aged 5 years and four months.
    - At Chowringhee, Caroline, the infant daughter of Mr. J.F. Deather.
    - At her residence in Rada Bazar Street, of Cholera, Mrs. Mary Coles, wife of Mr. John Coles, aged 67 years.
    - At Suika, Sarah, the beloved wife of Constable Neil Macaskill, aged 20 years, 11 months and 3 days, of the small-pox.
    - At Cuttack, after an illness of four days from a fever caught in the Mofussil, J.C. Pritchard, Esq., Assistant to the Salt Agent.
  21. At Calcutta, of Cholera, Benjamin, the infant son of Mr. E. Roberts, aged 3 months.
    - At Calcutta, Benjamin Roberts, son of Mr. E. Roberts, Mariner, aged 3 months
    - At Calcutta, Miss Mary Joseph Camell, eldest daughter of Joseph A. Camell, Esq., aged 8 years, 7 months and 14 days.
  22. At Calcutta, J. H. Suwerkoop, Esq., aged 36 years.
    - At Calcutta, at the residence of Mr. R. Plumer, of small-pox, Mr. William Blind, preventive officer of the custom house, aged 25 years.
  23. At Suika, John Thomas Spencer Colliard, son of Mr T.S. Colliard, aged 9 years, 10 months and 16 days.
    - At the Village Chouda, 8 miles from Gwalior, Robert Tytler, Esq., Surgeon, Bengal medical establishment.
    - At Calcutta, Henry Fuller King, Esq., Merchant, aged 33 years, 4 months and 10 days.
    - At Calcutta, Mrs. Julia Edwards, wife of Capt. R. Edwards, of the Country Service, aged 28 years.
  25. At Calcutta, Archibald Edward Dubbs, Esq., Master in Equity, Supreme Court, aged 37 years.
  26. At Calcutta, George DaCosta, Esq., aged 67 years, 7 months and 6 days.
- EUROPE.—In London, on the 10th November 1837. Captain John Tulloh, formerly of the Country Service, after a long and harassing illness.
- At Torquay, in Devonshire, on the 28th November last, Miss Emily Llewellyn, second daughter of Mr J. Llewellyn, aged 19 years and 2 months.
- On the 5th January, 1838, at her residence Ellace Lodge, in Gosforth, near Whitehaven, Cumberland, Arabella, the beloved wife of Joseph Younghusband, Esq., late Merchant of Calcutta.

## ADMINISTRATIONS TO ESTATES.

Dyce, G. A. D., Colonel.....	Registrar Supreme Court.
O'Donel, Hugh, Lieutenant Colonel 13th N. I.....	Jane O'Donel Widow.
Rait, M. D., William, Assistant Surgeon.....	Registrar Supreme Court.
Rose, G. H., Lieutenant.....	Hugh Rose, junior Merchant.
Thomas, William.....	Registrar Supreme Court.
Townsend, Thomas George, Merchant.....	Registrar Supreme Court.
Glasbrook, H. ....	Theodore Dickens, Esq.
Moonahce Husson Ally.....	Theodore Dickens, Esq.
Strong, L. C. ....	Theodore Dickens, Esq.
Cardew, Ambrose Lieutenant of Artillery.....	Registrar Supreme Court.
Donaldson, James, M. D., Assistant Surgeon.....	Registrar Supreme Court.
Kistnomohun Roy.....	Registrar Supreme Court.
Locker, Edward, Ensign 52d N. I.....	Registrar Supreme Court.
Shaw, William, Lieutenant 52d N. I.....	Registrar Supreme Court.
Young, Frederick Charles, Civil Service.....	Registrar Supreme Court.
Carruthers, M.W., Junior Merchant.....	Registrar Supreme Court.
Gilmore, A.....	John Gilmore.
Kristomonee Bolatobee.....	Registrar Supreme Court.
Thomas, W., Ship Builder.....	Registrar Supreme Court.

## GOVERNMENT NOTIFICATIONS.

&amp;c.

&amp;c.

&amp;c.

## BY THE PRESIDENT IN COUNCIL.

*Fort William, revenue department, the 24th April, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased, under the authority vested in him by act No. XXII. of 1836, to determine, in modification of the orders of the 1st November, 1836, to make the following reduction in the rates of tollage on boats passing into the Calcutta Canals specified in section II. of the above act, to take effect from the 1st proximo.

Boats now paying toll at the rate of *one rupee* per one 100 manas barthen, shall in future pay *eight annas*.

Rafts now paying *two annas* each timber, shall in future pay *one anna*.

Floats now paying four annas per 100 bamboos, shall in future pay *two annas*.

FRED JAS. HALLIDAY,  
Offg. Secy. to the Govt. of Bengal.

*Fort William, legislative department, the 30th April, 1838.*—The following Act is passed by the Hon. the President of the Council of India in Council on the 30th April, 1838, with the assent of the Right Hon. the Governor General in India, which has been read and recorded.

Ordered, that the act be promulgated for general information

ACT No. IX. of 1838.

It is hereby enacted, that from the fifteenth day of May 1838. It shall be competent to the session judges within the presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to magistrates to award fines, under clause 1st, section XIII. Reg. XII. of 1827 of the Bombay code.

The following act is passed by the Hon. the President of the Council of India in Council on the 30th April 1838, with the assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the act be promulgated for general information.

ACT No. X. of 1838.

I. It is hereby enacted, that Regulation X. 1817, of the Bengal code, be repealed.

II. And it is hereby enacted that the functionaries who are or may be appointed in the province of Kumaon, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut at Allahabad, in criminal cases of the Court of Nizamat Adawlut at Allahabad, and in revenue cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions, as the said functionaries may have received, or may hereafter receive, from the Government of the north western provinces of the presidency of Fort William.

ROSS D MANGLES,  
Offg. Secy. to the Govt. of India.

*Fort William, general department, the 2d May, 1838.*—The Honorable the President in Council is pleased to appoint Mr. Assistant Surgeon J. S. Logan, M.D. to officiate as post master at Hoogly during the absence of Mr. Wise, on sick certificate or until further orders. This appointment to take effect from the date on which he assumed charge of the office from Mr. Wise.

*General department, the 9th May, 1838.*—The Hon. the President in Council is pleased to attach Mr. William Trevor Taylor, of the civil service, to the Bengal presidency.

The Hon. the President in Council is pleased to appoint Mr. Assistant Surgeon James Steel, M.D. post-master at Goruckpore.

*Financial department, mint, the 9th May, 1838.*—The public is hereby informed that the mint-master of Calcutta has been authorized, until further orders to receive Bombay and Furuckabad rupees in like manner as Madras rupees, and generally the rupees issued from any mint of the British Government that may still be a legal tender in any part of India for coinage, without demand of seignorage duty. Rupees of any such coinage will be received by weight according to the forms of the mint for the receipt of bullion, and if of equal standard a mint certificate will be granted entitling the holder to Company's rupees of equal weight. If the coin brought be better than standard, the advantage will be given according to the tables, but counterfeit pieces, as well as drilled, plugged and other bad coin, will of course be rejected. The mint of Calcutta will not however re-

ceive a less quantity of the coins above specified than 1,000 tolas, but for the convenience of officers and soldiers and other persons in public employ, less sums than 1,000 tolas will be exchanged on the same terms at the general treasury,—the sub-treasurer having been authorized to collect them for transmission to the mint.

H. T. PRINSEP, Secy. to the Govt. of India.

*Fort William, Legislative Department, the 14th May, 1838.*—The following act is passed by the Hon. the President of the Council of India in Council on the 14th May, 1838, with the assent of the Right Hon. the Governor General of India, which has read and recorded.

Ordered, that the act be promulgated for general information.

ACT No. XI. of 1838.

I. It is hereby enacted, that section XV. Regulation XIX. of 814, of the Bengal code, be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the functionary exercising the authority of Government in the north western provinces, to fix the remuneration of an Ameen, or other person employed to effect a partition of estate under the Regulations enacted for that purpose and to cause the same to be levied from the parties concerned in the same manner as an arrear of revenue, at such periods, and in such proportions, as the said Boards may severally think fit.

*Fort William, Ecclesiastical Department, the 19th May, 1838.*—The Rev. Charles Parker, a chaplain on the Bengal establishment, has been permitted by the Right Hon. the Governor in Council at Bombay, to proceed from that presidency to Europe on furlough, under medical certificate.

## BY THE DEPUTY GOVERNOR OF BENGAL

*Judicial and revenue department, the 17th April, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Baboo Harepershad Sain to be deputy collector under the provisions of regulation IX. of 1833, in Balasore.

Baboo Harmohan Roy to be ditto ditto under ditto, in ditto.

*Fort William, separate department, the 18th April, 1838.*—The appointment of Mr. L. Magniac, under date the 28th March last, is hereby cancelled.

*The 27th April, 1838.*—The following officer has obtained leave of absence from his station:

Lieut. J. R. Abbott, junior assistant to the commissioner of Arrakan, for one month, to visit the presidency, on private affairs.

FRED. JAS. HALLIDAY,  
Offg. Secy. to the Govt. of Bengal.

*Judicial and revenue department, the 30th April, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Captain W. M. Ramsay has been invested with the general powers of a joint magistrate in zillah Sarun, to be exercised by him under the direction of the magistrate of that district, in addition to the special powers which he now exercises under the direction of the superintendent of the operations for the suppression of thuggee.

Captain N. Lewis has been invested with similar powers in zillah Moorsheadabad, in addition to his special duties in the thuggee department.

Lieutenant J. Sleeman has been invested with similar powers in zillah Mymensing, in addition to his special duties in the thuggee department.

*Fort William, financial department, the 2d May, 1838.*—Notice is hereby given, that the board of customs, salt and opium at Calcutta, have been authorized to accept tenders for advances to be made upon bills drawn on London, and secured in the manner described and provided in the advertisement of this department, dated the 15th June, 1836, at the rate of exchange, until further orders, of (2s. 3d.) two shillings and two pence for the Company's rupee, orders for the amount advanced will be issued by the Board payable at the general treasury at Calcutta, twenty days after sight.

# GENERAL REGISTER.

Published by order of the Hon. the Deputy Governor of Bengal.

*Fort William, general department, the 2d May, 1838.*—Messrs C. Whitmore and W. Trevor Taylor, of the civil service reported their return to this presidency from England on board the ship *David Scott*, on the 29th ultimo.

H. T. PRINSEP,  
Secy to the Govt of Bengal

*The 7th May, 1838.*—The following officers have obtained leave of absence from their stations :

Mr. F. Shipwith, magistrate of Patna, for five days, on private affairs. Mr. D. Cunliffe will conduct the current duties of the office during Mr. Shipwith's absence.

*The 8th May 1838.*—Mr. J. Stanforth, special deputy collector of Rajshy, &c., an extension of leave of absence for two months from the 6th instant, on medical certificate.

*Judicial and revenue department, the 8th May, 1838.*—The following officer has obtained leave of absence from his station :

Baboo Harrachander Ghose, Sudder Ameen at Baccorah, for seven days, in excess of the Mohurram vacation.

*General department, the 9th May, 1838.*—Sir Charles Metcalfe, Secretary, Bart, having exceeded the period within which, under the orders of the Hon. the Court of Directors he ought to have qualified himself for the public service by proficiency in two of the native languages, has been ordered to return to England.

Mr. Edward Wyllie has been permitted to proceed to Berhampore and prosecute his study of the Oriental languages at that station.

Captain J. H. Johnston, controller of Government steam vessels, has obtained leave of absence for one month, from the 7th instant.

H. T. PRINSEP, Secy to the Govt. of Bengal.

*The 11th May, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment :

Mr. R. L. Hampton to officiate as special deputy collector of Rajshy, Dinapore, Rungpore, Bogra and Patna, during the absence of Mr. J. Stanforth, or until further orders.

Mr. T. Hugon, sub-assistant to the commissioner of Assam reported his departure to the Mauritius on the ship *Donna Pascoa* which vessel left the pilot on the 7th instant.

*The 11th May, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment :

Mr. G. P. Lyecester has been authorized to exercise the powers of joint magistrate and deputy collector in Baccorah, under Mr. Halkett.

*General department, the 16th May, 1838.*—Mr. Henry Walters of the Civil Service, embarked for England on board the ship *Roberta*, which ship was left by the pilot at sea on the 11th instant.

Mr. Edward Wyllie has been permitted to return from Berhampore to the presidency for the purpose of prosecuting his study in the Oriental languages at the College of Fort William.

Mr. Assistant Surgeon G. Rae to the temporary charge of the medical duties of the civil station of Hoogly, during the absence of Doctor Wise.

*The 15th May, 1838.*—Mr. C. Steer to be magistrate of Sillah Naddea.

The following officers have obtained leave of absence from their stations :

Mr. F. B. Kemp, deputy collector of Tipperah, for one month, to proceed to the presidency, preparatory to his applying for leave to proceed to England, on private affairs.—Mr. A. S. Annand will officiate as joint magistrate and deputy collector of Tipperah until further orders, and Mr. W. Bell will exercise the powers of joint magistrate and deputy collector in Sillah Chittagong, during Mr. Annand's absence.

Mr. G. C. Mackintosh, officiating magistrate and collector of Purneah, for one month, on medical certificate, from the date of his making over charge of office to Mr. C. T. Davidson.

Lackynarata Nylmshar pandit, sudder ameen of Purneah, for two months and six days, on medical certificate, in excess of the ten days granted to him on the 18th March last, in addition to the Mohurram vacation.

FRED. JAS. HALLIDAY,  
Offg. Secy. to the Govt. of Bengal.

*Fort William, General Department, the 18th May, 1838.*—Mr. William Crawford, a civil servant, attached to the north western provinces, has been permitted to proceed to England on furlough, under medical certificate.

H. T. PRINSEP,  
Secy. to the Govt. of Bengal.

*Judicial and revenue department.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments.

*The 1st May, 1838.*—Mr. H. S. Thompson to be deputy collector under regulation IX. of 1833 in Burwan.

*Judicial and revenue department, the 8th May, 1838.*—*Notification.*—Conformably with the notification of the Government of India published in the *Calcutta Gazette* of the 7th October last, the Hon. the Deputy Governor of Bengal has been pleased at the recommendation of the Court of Sudder Jemadary Adawlat, to raise the personal allowances of the undermentioned principal sudder ameen from 400 to 600 rupees per mensem, and of the undermentioned moonshiffs from 100 to 150 per mensem.

*Principal sudder ameen.*—Cazee Mohammad Mah, in east Burdwan; Syed Ahmad, Hoogly; Moolvie Mohommud Faiz, Beerbhoom; Moolvie Mohommud Moolid, Bhagulpore; Syed Munuwur Ali, Shahabad; Parasmanth Bose, East Bardwan; Cazee Mohommud Ali, Tipperah; and Moolvie Syed Fuzl-ool Haq, Sarun.

*Moonshiffs.*—Mohammad Abraham, of Bissenpore, in Burdwan; Harisachander Doss, Barjorah, Ditto; Nokorchunder Chowdry, Sullemahad, Ditto; Zamin Ali, Indos Ditto; Gurreeb Ouliah, Khandghose, Ditto; Ubbol Uzees, Oundah, Ditto; Mahomed Nafeh, Seebampore, Ditto; Moolvie Musae Ooddeen, Dwarhata, Hoogly; Cazee Golam Mustofah, Mohanad, Ditto; Moolvie Umjad Ali, Keerpore, Ditto; Tarachunder Ghose, Noabed, Jessore; Opindurchunder Bhuttacharjee singha, Ditto; Syed Ahmad, Tirmohame, Ditto; Nitanund Roy, Anunip-ur Midnapore; Bhoyrabchunder Bose, Kasimgunge, Ditto; Syed Asaad Ali, Mohanpore, Ditto; Moolvie Fazl Rubber, Manicktallah, 21-Pergunnahs; Moonshoe Fyez Ooddeen, Pattergottah, Ditto; Mahomed Ruffa, Bishenpore, Ditto; Uderi Fursah Ghose, Pource, (adel.) Cattack; Mahomed Araheed, Kendranarrah, Ditto; Lala Suukur Lail, Mendigunge, Backergunge; Sheebchunder Mokerjee, Furroodpore, Dacca; Ramdhun Pandit, Nussorabad, Mymensingh; Ameeroodin, Mudargunge, Ditto; Kallynath, Pingash, Ditto; Moolvie Ashraf Ali, Juggernoth Digry, Tipperah; Moolvie Mahommed Nazim, Pauchpookorah, Ditto; Moolvie Buddee Ooddeen Umam, Bhateetary, Chittagong; Moolvie Gudda Husayn, Patterah, Ditto; Sham Ram, Laskerpore, Sylhet; Mahomed Salim, Kasimgunge, Ditto; Syed Husayn Bux, Doobrajpore, Beerbhoom; Sulek Mahomed Sain, Lakpore, Ditto; Moolvie Issat Ulees, Noorgunge, Bhagulpore; Hindrabun Mullick, Rajerampore, Dinapore; Mohtab-ooddeen, Kulligan, Ditto; Sham Lail Roy, Dankhorah and Munoharee, Purnea; Bhagwat Chunder Gopt, Shazadpore Rajshy; Loknoth Bose, Bhogwaree, Rungpore; Juggmohan Dutt, Rungpore, Ditto; Syun Tuffuzal Husayn, Jehanabad, Behar; Syed Nadir Ali, Arunagabad, Ditto; Anund Mir, Patna, Gwlam Nujiff, Dhunagunge, Shahabad; Mahomed Sadik, Arrah, (add.) Ditto; Durant Ollah, Darbhanga, Tihroo; Syed Kasim Ooddeen Lohurdagah, Hazarebaugh; Aboik Munerooddeen Ahmad, Gowlparah; Juggoram Kburgurree Assam; Obolam Russol, Nermal, Midnapore; Moberuck Allee, Kuddumgatchee, 24-Pergunnahs; Mahomed Sadik, sherpore, Mymensingh; Imbed Alce, Nasirunggur, Tipperah; Cassenath, Sonamgunge, Sylhet; Koer Joy Gopal Singh, singham, Beerbhoom; Dataram Monghier, Bhagulpore; Easachunder Mokerjee, Seebgunge, Dinapore; Farzund Allee, Doualgunge, Purnea; Akbar Allee, Burbaree, Rungpore; Mahomed Waiz, Dowlitgunge Nuddea; Keorban Allee, Mahurpore, Ditto; and Hurnath singh, Hazarebaugh.

FRED. JAS. HALLIDAY,  
Offg. Secy. to the Govt. of Bengal

*The 15th May, 1838.*—Captain J. Whiteford has been invested with the general powers of a joint magistrate in Sillah Moorshadabad, to be exercised by him under the direction of the magistrate of that district, in addition to the special powers which he now exercises under the direction of the superintendent of the operations for the suppression of thuggee, during the absence of Captain N. Lewis.

*The 17th May, 1838.*—Mr. G. P. Lyecester has been authorized to officiate as joint magistrate and deputy collector of Baccorah during the illness of Mr. H. C. Halkett, or until further orders.

*The 22d May, 1838.*—The following officer has obtained leave of absence from his station :

Mr. W. B. Jackson, commissioner of the 14th or Moorshadabad division, for two days, in extension of the leave granted to him on the 24th ultimo.

# GENERAL REGISTER.

**Fort William, financial department, the 23d May, 1838.**—The Hon. the Deputy Governor of Bengal directs that the following extract from a despatch from the Hon. the Court of Directors in the financial department, dated the 20th March last, be published for the information of the Members of the civil service of this presidency.

Para 1. In our despatch to India in the department, dated 27th May 1835, we sanctioned for a limited period and on specific conditions the appropriation to subscribers to the civil-service retiring funds of two-thirds of the unaccepted annuities of each year, at one-fourth instead of one-half their value, and we desired that twelve months before the expiration of the period fixed there might be transmitted to us particular information of the state of the funds at that date, and of the effect produced by the authorized modification, in order that we might determine upon the propriety of its continuance.

2. We rely upon receiving the information required as soon as possible after the appointed period—but to prevent inconvenience from the declaration of our intentions not having reached India at the date of the expiration of the time to which the trial of the plan was limited, we are willing to enlarge that limitation to the 10th of April, 1839; and we desire to be furnished with an account made up to the 30th of April 1839, similar to that required in our despatch above referred to.

**Fort William, general department, the 23d May 1838.**—Messrs. H. D. H. Ferguson, G. C. Barnes, and A. A. Roberts, writers, are reported qualified for the public service by proficiency in two of the native languages

## THE 23d MAY, 1838.—GOVERNMENT NOTICE—P. ST OFFICE.

The President in Council, under the orders of the Honorable the Court of Directors, directs that the privileges of franking and receiving letters free as conferred by section 24 of act XVII of 1837, on the authorities and persons therein mentioned, shall, until further orders, be allowed to the assistant secretary to the Board of Control for the time being.

**General department, the 23d May, 1838.**—The Hon. the President in Council is pleased to attach Messrs. C. G. Barnes and A. A. Roberts, writers, reported qualified for the public service to the north western provinces.

The Honorable the president in Council is pleased to appoint Mr. Assistant Surgeon James Innes, M. D. post-master at Barrackpore: the appointment to take effect from the 15th instant.

**THE 14th MAY, 1838.**—The Hon the Deputy Governor of Bengal has been pleased to make the following appointment.

Mr. M. A. G. Shawe has been authorized to exercise the powers of joint magistrate and deputy collector in Burdwan east, until further orders.

**THE 25th MAY, 1838.**—The following officer has obtained leave of absence from his station.

Mr. J. Curtis, civil and session judge of Hooghly, for two days, the 29th and 30th current, on private affairs.

H. T. PRINSEP,

Secy. to the Govt. of India.

## BY THE GOVERNOR GENERAL.

**Political department, Simla, the 14th April, 1838.**—Mr. A. Campbell, M. D. has this day been appointed to be assistant to the resident at Nepal vice Mr. Ross Bell.

By order of the Right Hon. the Governor General of India.

W. H. MACNAUGHTEN,

Secy. to the Govt. of India with the Govr. Genl.

**Ecclesiastical.**—Notice is hereby given, that the Lord Bishop of Calcutta purposes to hold his triennial visitation at the Cathedral on Friday, the 6th day of July next, and afterwards to visit and confirm at the several places following, within his Lordship's Diocese, Singapore, Malacca, Penang, Moumein and Chittagong, and at any intermediate places requiring his Lordship's presence. The other parts of the diocese will, on the Bishop's return, be visited by his Lordship.

In the mean time it is requested, that the respective ministers and chaplains at the places mentioned, as well as of the interior stations, within the diocese, will prepare and examine candidates for confirmation.

By order of the Lord Bishop of Calcutta, dated this 1st day of May, 1838.

W. H. ABBOTT, Registrar.

P. S. Divine service will commence at the Cathedral on the above date, at 10 o'clock, and the sermon be preached by appointment by the Venerable the Archdeacon.

**Ecclesiastical.**—The Right Rev. the Lord Bishop has been pleased to appoint the Reverend James Whiting, Chaplain of Wescut, a Surrogate for granting Episcopal licences of marriage at Meerut, in the room of the Reverend John Carysford Proby, returned to Europe.

W. H. ABBOTT, Registrar.

1st May, 1838

**Ordination.**—The Right Rev. the Lord Bishop of Calcutta will hold an ordination in the Cathedral on Trinity Sunday, the fourth day of June next.

Divine service will commence at 10 o'clock. The sermon will be preached by appointment by the Rev. William Ord Russell.

W. H. ABBOTT, Registrar.

1st May, 1838.

**Political department, Simla, the 20th April, 1838.**—A treaty having been ratified by their Highnesses the Amcers of Sindh providing for the reception of a British Resident in their territories, the Right Hon. the Governor General of India has been pleased to direct the following arrangements:

Colonel H. Pottinger to be Resident in Sindh.

Captain P. M. Melvill, 7th regiment Bombay native infantry, to be assistant to the resident in Sindh, ordinarily stationed at Hyderabad, and to be British agent for the navigation of the lower course of the Indus.

By order of the Right Hon. the Governor General of India.

**Political department, Simla, the 23d April, 1838.**—Ensign C. M. Rees, of the 63th Regt. N. I. was appointed on the 21st inst. to be 2d subaltern to the 1st regiment of infantry of the Oude auxiliary force, vice Ensign M. E. Sherwill.

Lieutenant (and Local Brevet Major) J. Laughton, of the Bengal engineers serving with the British detachment in Persia has obtained leave to visit India, for a period of six months, commencing with the 22d of October, 1837.

By order of the Right Hon. the Governor General of India.

**Political department, Simla, the 10th May, 1838.**—Mr. Assistant Surgeon W. Laurie, M. D., of the Madras establishment has this day been appointed to the medical duties of the residency at Hyderabad, vice Mr. Surgeon Vertae.

**Simla, the 10th May, 1838.**—Mr. Assistant Surgeon W. Brydson, of the 4th light cavalry, has this day been appointed to the medical charge of the 3d regiment of infantry in the Oude auxiliary force, vice Assistant Surgeon H. Taylor, whose appointment is cancelled at his own request.

By order of the right Hon. the Governor General of India.

W. H. MACNAUGHTEN,

Secy. to Govt. of India with the Govr. Genl.

## BY THE GOVERNOR GENERAL FOR THE N. W. PROVINCES.

**General Department, Simla, the 10th April, 1838.**—The following officers have obtained leave of absence:

**Revenue.**—Mr. H. Rose, officiating deputy collector of Cawnpore, on medical certificate, to visit the hills, for seven months, from the 20th ultimo, the date on which he made over charge of his office to Mr. Wemyss.

**Judicial and Revenue.**—Mr. E. H. C. Monckton, officiating magistrate and collector of Putehpore, on medical certificate, to the 1st January next, for the purpose of proceeding to the hills. Mr. S. J. Becher, the officiating joint magistrate, is authorized to take charge of the offices of magistrate and collector, and to act in those capacities till Mr. Armstrong rejoins his station.

**Revenue.**—Mr. J. C. Wilson, with reference to his appointment of 25th August 1836 to be joint magistrate and deputy collector of Cawnpore, to conduct the revenue as well as the magisterial duties of Cawnpore.

Mr. H. Unwin to officiate as deputy collector for the investigation of claims to hold lands exempt from payment of revenue in the Agra division, during the absence of Mr. C. W. Kinlock on leave, or till further orders.

**Judicial and Revenue.**—Mr. W. Muir to be an assistant under the commissioner of the Allahabad division.

MILITARY.

BY THE PRESIDENT IN COUNCIL.

Mr. M. E. Gubbins to be joint magistrate and deputy collector of Muttra; but to continue to officiate with the powers of a joint magistrate and deputy collector in charge of the Ferozpoor pergunnaahs of the Goorgoon district, till further orders.

Mr. E. F. Tyler to be magistrate and collector of Myspoory. to have effect from the date on which Mr. A. Cumming embarked for Europe.

Mr. M. F. Muir to exercise the powers of a joint magistrate and deputy collector at Myspoory.

Mr. G. H. M. Alexander to be joint magistrate and deputy collector of Allahabad.

The 12th April, 1838, Revenue.—Mr. J. Brewster to be a deputy collector for the investigation of claims to hold lands exempt from payment of revenue in the districts of Bareilly and Shahje Janpore.

Judicial and Revenue.—Mr. F. S. Head to exercise the powers of a joint magistrate and deputy collector at Cawnpore.

J. THOMASON,

Off. Secy. to the Govr. Genl. N. W. P.

General department, Simla, the 16th April, 1838, Judicial and revenue.—Mr. P. C. Trench, officiating magistrate and collector of Delhee, has obtained leave of absence, for four months, from the 6th of June next, preparatory to applying for permission to proceed to Europe on furlough.

Mr. A. R. Bell is appointed to be magistrate and collector of Goorgoon. On Mr. P. C. Trench leaving Delhee, preparatory to his departure on furlough, Mr. Bell will proceed thither and relieve him from the offices of magistrate and collector of Delhee; and he will officiate in those capacities, till further orders.

General.—Mr. G. F. Christopher is appointed to be civil assistant surgeon at the station of Meerut.

The 21st April, 1838.—Ecclesiastical.—The Rev. C. Parker, district chaplain of Neemuch, has obtained leave of absence from his station for two months, for the purpose of proceeding to Bombay on medical certificate, and from thence for two years to Van Dieman's Land, for the recovery of his health.

General department, Simla, the 26th April, 1838.—Judicial and revenue.—With reference to the appointment, under date the 10th instant, of Mr. G. H. M. Alexander, to be joint magistrate and deputy collector of Allahabad, that gentleman is authorized to postpone his departure from Boolundshuhur till the 1st June next. In the mean time, Mr. Alexander will continue to exercise the powers of joint magistrate and deputy collector at Boolundshuhur.

General Department, Simla, the 30th April, 1838.—Lieut. J. M. Turnbull is appointed to officiate as post-master at Hanoi during the absence of Lieutenant J. Skinner, on leave obtained by him from His Excellency the Commander in Chief, from 30th April to 30th November next, to visit the hills, on medical certificate.

General department, Simla, the 2d May, 1838, Revenue.—Lieutenant T. Hutton, assistant revenue surveyor, has obtained leave of absence for six months, to visit the hills, on his private affairs.

The 4th May, 1838, Judicial and revenue.—The following provisional appointments by the commission of the Saugor division are sanctioned until further orders:

Mr. D. T. McLeod to officiate as principal assistant at saugor, during the absence of Captain M. Smith on sick leave.

Lieutenant C. R. Browne to officiate as first junior assistant at Seonoe, during the absence of Mr. McLeod.

Lieutenant R. W. C. Doolan to officiate as first junior assistant at Domoh, during the absence of Lieutenant Browne.

General Department.—Simla, the 7th May, 1838.—Judicial and Revenue.—The leave of absence granted to Capt. C. Thornesby, superintendent of the Bhuttoe territory, under orders of 10th March last, is to commence from the 15th instead of the 2d April, and extend to the 30th instead of the 15th November next.

The 11th May, 1838.—Revenue.—Mr. A. D'Crux and Mahomed Daood are appointed to be Deputy Collectors in Zillah Agra, under the provisions of Regulation IX of 1838.

J. THOMASON,

Off. Secy. to the Govr. Genl. N. W. P.

Fort William, 7th May, 1838.—No 62 of 1838.—The Hon. the President in Council is pleased to make the following promotions and alteration of rank:

Regiment of artillery.—Lieutenant colonel and brevet col. John Peter Bpillet to be colonel, Major George Everest to be lieutenant colonel, captain and brevet major Thomas Timbrell to be major, 1st lieutenant and brevet captain Frederick Brind to be captain, and 2d lieutenant Charles Stewart to be 1st Lieutenant, from the 25th April 1838, in succession to colonel (major General) Clements Brown, c. a., deceased.

Supernumery 2d Lieutenant Henry Lewis is brought on the effective strength of the regiment.

1st Lieutenant and brevet captain John Lealand Mowatt to be captain, vice Captain Henry Clerk deceased, with rank from the 25th April 1838, vice captain and brevet major Thomas Timbrell promoted.

2d Lieutenant Charles Boulton to be 1st Lieutenant, from the 25th April 1838, vice 1st lieutenant and brevet captain John Lealand Mowatt promoted.

15th regiment native infantry.—Lieutenant William Innes to be captain of a company, ensign John William Carnegie to be lieutenant, from the 1st April 1838, in succession to captain George Abbott deceased.

Ensign John Inskip to be lieutenant, from the 15th April 1838, vice Lieutenant George Sharp deceased.

47th regiment native infantry.—Lieutenant and brevet captain George Craven Armstrong to be captain of a company, and Ensign Andrew Gildart Reid to be lieutenant, from the 15th April 1838, in succession to captain Henry Tilman Reuben deceased.

Regiment of artillery.—Captain F. Brind, to rank from 20th April 1838, vice H. Clerk deceased.

1st Lieutenant C. Stewart, to rank from 20th April 1838, vice F. Brind promoted.

Lieutenant Edward Darvall, of the 57th regiment native infantry, is promoted to the rank of captain by brevet, from the 1st May, 1838.

Mr. Henry Hopkinson is admitted to the service in conformity with his appointment by the Hon. the Court of Directors, as a cadet of infantry on this establishment, and promoted to the rank of ensign, leaving the date of his commission for future adjutment.—Date of arrival at Fort William, 2d May, 1838.

Lieutenant George O'Brien, atty, of the 6th regiment native infantry, is permitted to proceed to Europe on furlough, on medical certificate.

Lieutenant colonel William Gordon Mackenzie of the 6th regiment native infantry, is permitted to proceed to the Cape of Good Hope and eventually to Europe on furlough, on account of private affairs.

Native Doctor Rhyroo Sing, attached to the Sebundy corps at Gwahatty, is placed at the disposal of His Excellency the Commander in Chief for employment in the north western provinces.

No. 64 of 1838.—Assistant Surgeon George Rae, at present doing duty under the orders of the superintending surgeon at Barrackpore, is placed at the disposal of the Hon. the Deputy Governor of Bengal, with a view to his being appointed to the temporary charge of the medical duties of the civil station of Hooghly, during the absence of Dr. Wise.

The following appointments were made in the judicial and revenue department under date the 11th ultimo:

Assistant surgeon James Pagan, to the medical duties of the civil station of Cynch, vice assistant surgeon Henry Taylor.

Assistant surgeon John Wood, to the medical duties of the civil station of Rungpore, vice assistant surgeon Pagan.

Lieutenant Henry Siddons, of Engineers, revenue surveyor at Chittagong, obtained in the judicial and revenue department, under date the 21st ultimo, leave of absence for six weeks on private affairs.

Lieutenant J. R. Abbott, of the 17th regiment native infantry, junior assistant to the commissioner of Arrakan, obtained in the judicial and revenue department, under date the 27th ultimo, leave of absence for one month, to visit the presidency, on private affairs.

J. STUART, Lt. Col.,

Off. Secy. to the Govt. of India Mily. Dept.

# GENERAL REGISTER.

**Fort William, 14th May, 1838.**—No. 67 of 1838.—The following War Office Circular, dated 30th December 1837, on the subject of the mode of realizing the effects of officers and soldiers dying in Her Majesty's service, is published for general information:

**Circular No. 823, War Office, 30th December, 1837.**

Sir,—With reference to the provisions made in the articles of war for securing and realizing the effects of officers and soldiers dying in Her Majesty's service, I have the honor to acquaint you, for your future guidance that the practice of employing a non-commissioned officer or soldier in selling by auction, such of the effects as are not otherwise disposed of, is to be adhered to only in cases in which it shall appear to be most advantageous for the estate of the deceased, and that when much trouble and responsibility shall have been thrown upon a non-commissioned officer or soldier in consequence of being so employed, commission, payable out of the effects, at a rate varying from 23 to 25 per cent. on the amount of the produce of the sale, according to the greater or less degree of trouble and responsibility thereby caused, may be paid to him and charged in the statement of the accounts of the deceased, annexing the man's receipt for the amount, and your certificate that his employment as auctioneer was most beneficial for the estate; and that the duties imposed on him thereby justify the remuneration charged.

I have the honor to be, &c.

(Signed) **HOWICK.**

*The 66th commanding regiment of*

**No. 70 of 1838.**—The undermentioned men of Her Majesty's service are permitted to reside in India, as out-pensioners of Chelsea Hospital, and draw their pay at the stations specified opposite to their respective names, according to the 55th article of the pension warrant of the 14th November 1829, pending a reference to the Horse Guards as to the amount of their pensions:

11th dragoons.—Serjeant Robert Foster, Gbaxeopore; privates John McKenley, Peter Browne, William Dalton, Benjamin High, George Salt, Thomas Ferguson, James Yarrell, Joseph Chapman, and Richard Wilkins, Meerut, and John Gooding, Agra.

16th lancers.—Serjeant Samuel Rodgers; privates John Hay-lot, Hugh Brown, Henry Dixon, Joseph Griffiths, and Thomas Simmonds, Meerut; Joseph Prusell Calcutta, and Thomas Smith, Meerut.

**Fort William, 14th May, 1838.**—No. 71 of 1838.—The services of assistant surgeon Foster are placed at the disposal of the Hon. the Deputy Governor of Bengal, for the medical duties of the civil station of Tippera, vice Dr T. W. Wilson, who is, at his own request, placed under the orders of His Excellency the Commander in Chief.

**Fort William 21st May, 1838.**—No. 73 of 1838.—The Hon. the President in Council is pleased to make the following Promotions:

**57th regiment native infantry.**—Lieutenant and brevet captain George Moyle Sherer to be captain of a company, and ensign James Masson to be Lieutenant, from the 8th of July 1836, in succession to captain William Abraham Smith retired

Lieutenant and brevet captain Edward Darvall to be captain of a company, and ensign William Brownrigg Lumley to be Lieutenant, from the 4th of August 1836, in succession to captain Alban Thomas Davies retired.

N. B. The rank of captain by brevet, assigned to Lieutenants Sherer and Darvall, in general orders No. 247 of the 26th December 1836, and No. 62 of the 7th instant, is cancelled.

**71st regiment native infantry.**—Ensign George Ryley to be Lieutenant, from the 30th of April 1838, vice Lieutenant William Thomas Briggs deceased.

Lieutenant Samuel Athill Lyons, of the 24th regiment native infantry, is promoted to the rank of captain by brevet, from the 17th May, 1838.

Lieutenant William Joseph Martin, of the 9th regiment native infantry, has returned to his duty on this establishment, without prejudice to his rank, by permission of the Hon. the Court of Directors.—Date of arrival at Fort William, 16th May, 1838.

Mr. Andrew George Calebrooke Sutherland having satisfied Government on the points of qualification prescribed by existing regulations, is admitted to the service as a cadet of infantry on this establishment, agreeable to instructions from the Hon. the Court of Directors.—Mr. Sutherland is promoted to the rank of ensign, leaving the date of his commission for future adjustment.

Ensign Samuel Arden, of the 27th regiment native infantry is permitted to proceed to Europe on furlough, on medical certificate.

The following arrangement was made by the Deputy Governor of Fort William on the 16th instant:

Assistant apothecary G. Oliver, doing duty in the garrison dispensary, is permanently appointed to fill the existing vacancy in that establishment, vice Fleming deceased. This appointment to have effect from the 19th ultimo.

**No. 74 of 1838.**—The Hon. the President in Council is pleased to make the following appointment:

Lieutenant John Gilmore, of the corps of engineers, is placed under the orders of lieutenant colonel G. W. A. Lloyd, employed on special duty on the north eastern frontier for the purpose of superintending the construction of roads in the vicinity of Dargeling.

The leave of absence granted to Lieutenant Nathaniel Ventry, of the 4th regiment native infantry, in general orders No. 60, dated the 14th March, 1836, is extended to the 7th instant.

**Fort William, 21st May, 1838.**—No. 75 of 1838.—The Hon. the President in Council is pleased to make the following appointment:

Ensign Frederick Moffat Baker, of the 65th regiment native infantry, to do duty with the African local battalion.

**J. STUART, Lieut.-Col.**

*Offg. Secy. to the Govt. of India Milly. Dept.*

## BY THE GOVERNOR GENERAL.

**Simla, 20th April, 1838.**—The following appointment was made in the general department, north western provinces, under date the 18th instant:

Assistant surgeon G. E. Christopher, of the 2d light cavalry, to the medical duties of the civil station of Meerut.

**Simla, 24th April, 1838.**—The following appointments are made in the department of the quarter-master general of the army:

Captain J. Paton, deputy assistant quarter-master general of the 1st class, to be an assistant quarter master general.

Lieutenant H. Kowney deputy assistant quarter master general of the 2d class to be deputy assistant in the 1st class.

Lieutenant R. P. Alcock, officiating deputy assistant quarter-master general, to be a deputy assistant in the 2d class.

**Political department, Simla, the 1st May, 1838.**—A treaty having been concluded between His Highness Ram Singh Maha of Kota and Raj Rana Muddun Singh, brotherly minister of

\* Cheechut.  
Sukoit.

The Chowmabulla } Puchpahar.  
comprising } Abore.  
} Dukut.  
} Gangrar.

Jhabre Petun.  
commonly called Oormal.

Reenchwa.

Bukanee.

Deilunpoor.

Koha Bhutta.

Surreera.

Rutlai.

Munohur Thanna.

Phool Baroda.

Chechurase.

Kakoornoe.

Chippa Baroda.

The portion of Sargurb, beyond,

or East of the Purwun or Newaj

and Shababad.

be vested in the Raj Rana Zalam Sing, and after him on his eldest son Koonwur Madhoo Sing, and his heirs in regular succession in perpetuity." It is hereby notified for general information, that the said Raj Rana Muddun Singh has assumed the Government of the tract ceded to him by the present treaty, under the title of Maha Raj Rana Muddun Sing, rajah of Jhalwar.

**Simla, 2d May, 1838.**—The Right Hon. the Governor General of India has much pleasure in publishing to the army, the following paragraphs of a letter from the Hon. the Court of Directors, in the military department, to the address of the Governor General of India in Council, No. 7 of 1837, dated the 29th of November last,

# GENERAL REGISTER.

*Reply to military letter, dated 14th February, 1837.*  
(No. 30.)

Submit for courts favorable consideration, five memorials from officers of the Bengal army, praying that, for the reasons stated, the court will recall their orders of 6th June 1798, requiring from an officer, about to retire on pension, a declaration on oath, that he had not received, and would not receive any pecuniary or other gratification or compensation, for so retiring. Government consider, that the practice which has for some time obtained, although now for the first time brought to notice, of inducing time-expired officers, under the rank of Lieutenant Colonel, to retire from the service, must conduce to the contentment of the officers, and to the efficiency of the army.

The possibility of sanctioning any measure which would infringe upon, the integrity of the memorial, and, in reply to the remainder of his memorial, that we see no necessity for interfering with the arrangements which the junior officers, of a regiment may make in individual cases, for adding to the comforts of a senior officer, on his retirement from the service upon the pension to which he may be entitled.

3. The Regulation of 1799, requiring officers upon retirement to make oath, that they have received no pecuniary consideration for quitting the service, has not been enforced by us in any single case of retirement in England, during the period nearly forty years which has since elapsed. It was established chiefly upon financial grounds, to prevent (as observed by Lord Cornwallis, when recommending other rules for the same object) "an unreasonable load of pensions." This presumed necessity for the rule has however not yet been felt; on the contrary, additional facilities have been required and have been given, for enabling officers to retire upon full pay: "we shall therefore continue to suspend the operation of the rule, and officers retiring from time to time will not be called upon to make the declaration, unless the financial necessity to which we have referred (and of which due notice shall be given) shall at a future period be fully realized."

*Political Department, Simla, the 3d May 1838.*—Lieutenant John Stubbs, of the 49th regiment native infantry, has this day been appointed to be 2d in command of the Joudpore legion.  
By order of the Right Hon. the Governor General of India.

*Simla, 4th May, 1837.*—Lieutenant T. Hulton, assistant revenue surveyor, has obtained leave of absence, in the revenue department, for six months, to visit the hills on his private affairs.

*Simla, 8th May, 1837.*—The following appointment was made on the 3d instant, in the political department:

Lieutenant John Stubbs, of the 49th regiment native infantry, to be 2d in Command of the Joudpore legion.

*Simla, 10th May 1838.*—The Right Hon. the Governor General is pleased to make the following appointments:

Colonel James Cock, of the 51st native infantry, to the general staff of the army, with the rank of brigadier general, from the 25th ultimo, vice Major General C. Brown, C. B. deceased.

Colonel G. Pollock, C. B. of the artillery regiment, to be a brigadier on the establishment, vice Penny embarked for Europe on furlough.

Colonel A. Lindsay, C. B. of the artillery regiment, to be a brigadier. (temporarily) during the absence, on leave, of Major General Richards, C. B. or until further orders.

WM. CASEMENT, M. G.,

Secretary to the Govt. of India Nily, Dept.  
with the Rt. Hon. the Govr. Genl.

*Fort William, Legislative Department, the 21st May, 1838.*  
—The following act is passed by the Hon. the President of the Council of India in Council on the 21st May 1838, with the assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the act be promulgated for general information  
Act No. XII. of 1838.

It is hereby enacted, that from the first day of July 1838, all powers vested by Regulation XI. of 1832, of the Madras Code in zillah or assistant judges, shall be vested in every principal and order ameen within the territories subject to the Government of

Para. 1. The memorial, also now submitted to us arise out of the memorial of Lieut Colonel Powell, of the Bombay army, the important subject of which we informed the Government of Bombay, we would notice in our correspondence with the Government of India.

2. We now desire, that you will cause Lieutenant Colonel Powell to be informed, through the Government of Bombay, in reply to that part of his memorial which indicates a wish for line promotion in certain cases below the rank of major, that we cannot contemplate the possibility of sanctioning any measure which would infringe upon, the integrity of the memorial, and, in reply to the remainder of his memorial, that we see no necessity for interfering with the arrangements which the junior officers, of a regiment may make in individual cases, for adding to the comforts of a senior officer, on his retirement from the service upon the pension to which he may be entitled.

the presidency of Fort St George, in respect of all hidden treasure of any of the kinds specified in section II of that regulation, which may be found within his jurisdiction; and all rules applicable to zillah or assistant judges, shall be applicable to every such principal sudder ameen in respect of such treasure.

The following act is passed by the Hon. the President of the Council of India in Council on the 21st May 1838, with the assent of the Right Hon. the Governor General of India, which has been read and recorded.

Ordered, that the act be promulgated for general information.

Act No. XIII of 1838.

I. It is hereby enacted, that it shall be competent to the Governor General of India in Council, by an order in Council, to extend any part of the provisions of Regulation XII. of 1838, to the Court of any principal sudder ameen, sudder ameen or Moonsiff.

II And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to delegate the power given to him by section I of this act to the Governor of Bengal, and to the Lieutenant Governor of the N. W. Provinces, or to any functionary exercising the authority of Government in the N. W. Provinces,

BY THE COMMANDER IN CHIEF.

*Head quarters, Simla, 16th April, 1838.*—The leave of absence granted in general orders on the 4th of December last, to Lieutenant A.W. Frase, of the invalid establishment, is cancelled at his request.

Meer Furbat Allce, native doctor, is removed from the 24th to the 29th regiment native infantry, at Bandah, and directed to be sent to join.

H. Ifry Drummer Christopher Woodfield, of the European regiment, is transferred to fill a vacancy, as a drummer, to the 4th regiment of native infantry.

The undermentioned officer has leave of absence:  
3d regiment light cavalry.—Captain G. C. Smyth, from 15th February to 1st December, in extension, to remain at Munasree on medical certificate.  
By order of His Excellency the Commander in Chief.

*Head quarters, Simla, 17th April, 1838.*—The undermentioned officers have leave of absence:

37th regiment native infantry.—Lieutenant Intr. and Qr. Mr. J. G. W. Curtis, from 16th March to 24th March, in extension to, enable him to rejoin.

47th regiment native infantry.—Lieutenant J. G. B. Fison, from 15th April to 15th October, to visit Neemuch, on private affairs.

*Head quarters, Simla, 18th April, 1838.*—The Benares division order of the 8th instant, directing assistant surgeon T. Smith, M. D. of the 8th light cavalry, to proceed to Chavrepore, and do duty with Her Majesty's 44th regiment, is confirmed.

The Agra garrison and station order of the 6th instant, directing Assistant Apothecary T. Ahanom, lately arrived with a detachment of recruits, to do duty with the European regiment, is confirmed.

His Excellency the Commander in Chief is pleased to make the following renewals and postings in the regiment of artillery:

Captain T. Sanders, from the 3d company 6th battalion to the 3d company 2d battalion.

Captain T. Hickman, from the 3d company 2d battalion to the 1st company 3d battalion.

Captain A. Abbott, from the 1st company 2d battalion to the 2d company 6th battalion.

Lieutenant Vincent Eyre, from the 3d company 1st battalion to the 1st troop 2d brigade horse artillery.

Quarter Master Sergeant Barry Talton, is appointed sergeant major to the 10th regiment native infantry, vice Fairlie, promoted, in the ordnance commissariat department.

*Head quarters, Simla, 16th April, 1838.*—Major A. Harvey's regimental order of the 27th ultimo, appointing Lieutenant C. L. Harrison, to act as interpreter and quarter-master to the 6th re-

# GENERAL REGISTER.

ment of native infantry, during the absence, on duty, of Lieutenant Whiteford, is confirmed.

The leave of absence granted in general orders of the 21st ultimo, to Lieutenant Colonel J. H. Brown, of the 4th regiment of native infantry, is cancelled at his request.

The leave of absence granted in general orders of the 5th ultimo, to Captain T. O. O'Seane, of the 25th regiment of native infantry, is cancelled at his request.

The appointment, in general orders of the 9th ultimo, of Ensign J. S. Knox, of the 12d, to act as interpreter and quartermaster to the 26th regiment of native infantry, is cancelled at his request.

Ensign W. H. Oakes, of the 45th regiment of native infantry, having been declared by the examiners of the College of Fort William, to be qualified for the duties of interpreter, is exempted from further examination.

Drummer Charles Peters, of the 9th, is transferred, to fill a vacancy in the 76th regiment native infantry.

Half-pay Drummer John Pickett, of the European regiment, is transferred, as a drummer, to the 17th regiment of native infantry.

The undermentioned officers have leave of absence:

6th regiment native infantry.—Lieutenant Colonel T. Dundas, from 5th March to 10th June, to remain at the presidency, on medical certificate.

N. B. This cancels the leave granted to Lieut. Colonel Dundas, in general orders of the 16th ultimo.

1st regiment local horse.—Lieutenant and Adjutant J. Skinner, from 30th April to 30th November, to visit the hills north of Deyrah, on medical certificate.

By order of His Excellency the Commander in Chief,

*Head quarters, Simla, 21st April, 1834.*—Referring to general orders of the 33d ultimo, which named Azra as the place of assembly for certain soldiers returning from furlough. His Excellency the Commander in Chief, on a representation from the brigadier commanding the Malwah field force, is pleased to authorize commanding officers of corps at Alwar, to use their discretion in fixing Bandah or Mirzapore as the place for assembly.

The men to whom Bandah may be assigned, must be ordered to assemble there by the 4th October, and to march thence on the 6th of that month, and those for whom Mirzapore may have been selected, must be instructed to meet at that station on the 21st, and to march from it on the 23d September, both parties under the command of the senior native officer.

The officers commanding at these stations will require tents, from the store rooms of the corps under their orders, to be pitched for the accommodation of the furlough men, so long as they may remain, and they will cause intimation to be given of their march to the civil authorities of the districts through which their route may lie, to ensure supplies for them on the road.

Should the number of men proceeding from either of the above stations be considerable, a native doctor belonging to the post, with a suitable supply of medicines, must be sent with the party.

With the sanction of Government, the stipends of the pensioners of the Nussoree battalion are henceforward to be disbursed by the adjutant of the corps, who will forward the usual acquittance rolls to the pension paymaster at Meerut.

In order to guard as much as possible against any attempt at imposition, the pensioners are to be invariably paid by the adjutant, in person, after a minute examination of each individual, and of the documents he possesses.

The Sirhind division order of the 15th instant, removing Shaik Wahid Ali, native doctor, from the 21st to the 27th regiment of native infantry, and Manick Ram, from the latter to the former corps, is confirmed.

The leave of absence, for six months, granted to Lieutenant and Brevet Captain H. T. Raban, of the 47th regiment of native infantry, in general orders of the 13th of February last, is cancelled at his request.

The undermentioned officers have leave of absence:

54th regiment native infantry.—Captain W. F. Benson, from 26th April to 25th October, to visit Mussoorie and Simla, on private affairs.

43d regiment native infantry.—Ensign J. S. Knox, from 15th March to 15th November, to visit the hills, north of Deyrah, on medical certificate.

General staff.—Lieutenant R. P. Alcock, officiating Deputy assistant quartermaster general of the army, from 1st May to 30th June, to visit Kanpore, on private affairs.

*Head quarters, Simla, 25th April, 1834.*—The Sangor division order of the 6th instant, removing D. elaur Bakh, native doctor, from the artillery at Sangor, and appointing him to the 33d native infantry at Jubulpore, vice Meer Ahdoolah, native doctor, who is transferred from the latter to the former corps, is confirmed.

The following removals and postings will take place in the regiment of artillery:

Captain W. Goddies, (on furlough) from the 1st company 5th battalion to the 2d company 1st battalion.

Captain A. Wilson, (officiating assistant adjutant general of artillery) from the 2d company 1st battalion to the 1st company 5th battalion.

1st Lieutenant Z. M. Mellock, (on furlough) from the 1st company 4th battalion to the 8th company 7th battalion.

1st Lieutenant R. Walker, from the 2d company 2d battalion to the 4th company 2d battalion.

His Excellency the Commander in Chief is pleased to make the following removals and postings:

Assistant surgeon H. Marlean, (on furlough) from the Mhair warrah local battalion to the 6th regiment of native infantry.

Assistant Surgeon A. Mackean, from the 9th regiment of light cavalry to the Mhairwarrah local battalion.

The leave of absence granted in general orders of the 20th February last, to Lieutenant and Adjutant R. Troup, of the 63d regiment native infantry, is cancelled at his request.

The undermentioned officers have leave of absence:

6th regiment native infantry.—Lieut. Col. W. O. Mackenzie, from 5th April, to 5th May, in extension, to remain at the presidency, on medical certificate.

57th regiment native infantry.—Lieut. Colonel R. Chelmers, from 15th April to 15th October, in extension, to visit the upper provinces, on medical certificate.

Invalid establishment.—Major J. Barclay, from 17th April to 17th October to remain at Kurnaul, on private affairs.

By order of His Excellency the Commander in Chief,

J. R. LUMLEY, Major General,

*Fort William, 30th April, 1838*—No. 60 of 1838.—The Hon. the President in Council is pleased to make the following promotion:

41st regiment native infantry.—Ensign Samuel John Saunders, to be Lieutenant, from the 22d April, 1838, vice Lieutenant and Brevet Captain William Tritton, deceased.

Ensign J. P. M. Biggs, of the 28th regiment native infantry, Madras establishment, is permitted to proceed hence to Singapore, on medical certificate, for eight months.

The leave of absence granted in general orders No. 24, dated the 5th March last, to Ensign William Maitland Roberts, of the 38th regiment native infantry, is cancelled at the request of that officer.

No. 61 of 1838.—Brevet Captain John Bracken, of the 29th regiment native infantry, is permitted to proceed to Europe on furlough, on medical certificate.

J. STUART, Lieut. Col.

Offy Secy to the Govt. of India Milly. Dept.

*Head quarters, Simla, 30th April, 1838*—The detachment order of the 10th instant, by Captain A. Stewart, appointing Corporal George Howitt, to act as sergeant, and Private Henry Twunton, as corporal, in the room of Hugh Dodds, deprived of his temporary rank for misconduct, is confirmed.

The leave of absence, for six months, granted to Lieutenant Colonel J. W. Roberdeau, of the 1st regiment of light cavalry, to visit Simla, on his private affairs, is to be calculated from the 2d of March, instead of February.

The undermentioned officers have leave of absence:

Sappers and Miners.—2d Lieut. J. S. Broadfoot, from 15th March to 15th Nov. to visit Mussoorie, on medical certificate.

17th regiment native infantry.—Ensign J. S. D. Talloch, from 1st April to 1st October, to visit Shajohampore, on private affairs, and rejoin his regiment at Loediana.



# GENERAL REGISTER.

56th regiment native infantry.—Lieutenant B. W. D. Cooke, from 1st April to 30th June, in extension, to remain at Cheria Poonjee, on medical certificate.

*Head-quarters, Simla, 1st May, 1838.*—Under instructions from the Right Honourable the Governor General, His Excellency the Commander in Chief is pleased to direct officers commanding stations, at which there may be no person already appointed by Government to discharge the duties of postmaster, to place themselves immediately in communication with the postmaster general on the subject, offering, at the same time, the name of an officer from under their command, for the duties of the situation.

The appointment will be promulgated in Government general orders, it will have effect from the date of the officer's taking charge, and will continue while the corps remains at that station, and the duties are satisfactorily discharged.

Pending the result of this reference, an officer is to be appointed in station orders to the charge of the post office, and it has been communicated to His Excellency, that a certified copy of that order, countersigned by the postmaster general, will be held a sufficient voucher by the civil auditor, to enable him to pass the authorized allowance to the party performing the duty.

In the event of a sudden vacancy in the office of postmaster at any military station, a temporary successor is to be appointed in station orders, in the same manner as directed in the case above stated, pending a reference to the postmaster general.

It is to be clearly understood, that the appointment of postmaster at any military station, is not to interfere with any of the duties in which the officer nominated may otherwise be liable; and no one is to be selected, who, in the ordinary performance of regimental duty, would be subject occasionally to be detached from the station.

His Excellency the Commander in Chief is pleased to direct, that all officers absent from their corps, or departments, on leave of absence, or on duty, shall, if stationary, report monthly to the adjutant general of the army their places of residence; and if moving, a report of their progress is to be made also monthly, or as often as opportunities offer for the transmission of letters.

These reports are to be sent direct to head quarters.

Ensign F. B. Bosaquet, of the 16th regiment native infantry, is appointed to act as adjutant to the Hurrinah light infantry battalion, during the absence, on leave of Lieutenant and Adjutant Colebrooke, or until further orders.

The undermentioned officer has leave of absence:

Hurrinah light infantry.—Lieutenant and Adjutant T. E. Colebrooke, from 15th May to 15th October, to visit Allahabad, on private affairs.

By order of his Excellency the Commander in Chief,

J. R. LUMLEY, *Major General,*

*Adjutant General of the Army.*

*Head-quarters, Simla, 2d May, 1838.*—The Lucknow station order of the 5th ultimo, directing Assistant Surgeon J. V. Leese, of the 16th regiment of native infantry, to perform the medical duties of the presidency and the Thug Jail, in addition to his present charge, consequent on the departure, on leave of Assistant Surgeon W. Stevenson, is confirmed, as a temporary arrangement.

*Head-quarters, Simla, 3d May, 1838.*—The Mynpoorie stat on order of the 7th February last, appointing Lieutenant R. R. W. Ellis, acting interpreter and quarter master to the 33rd regiment native infantry, to act as station staff, is confirmed.

His Excellency the Commander in Chief is pleased to make the following appointment:

36th Regiment native infantry.—Lieutenant R. R. W. Ellis, of the 23d regiment native infantry, to act as Interpreter and quarter-master.

Hospital apprentice J. H. Bowser, at present attached to the general hospital, is to be paid up and discharged the service, from the date of publication of this order at the head-quarters of the presidency division.

Half-pay Drummers Thomas Anderson and James Anderson, of the European regiment, are transferred to the 33d native infantry, as drummers, to fill existing vacancies; and will proceed and join on the 1st of October next.

The undermentioned officers have leave of absence:

61st regiment native infantry.—Captain R. A. McNaghten, from 1st June to 18th November, in extension, to remain at the presidency, on private affairs.

69th regiment native infantry.—Lieutenant E. Garrell, from 20th June to 15th October, on private affairs, to visit Simla.

Invalid establishment.—Captain C. Gale, from 1st June to 1st November, to visit Mussoorie, on private affairs.

By order of his Excellency the Commander in Chief,

J. R. LUMLEY, *Major General,*

*Adjutant General of the Army.*

*Fort William, 4th May, 1838.*—No. 65 of 1838.—The Hon. the President in Council is pleased to direct, that the following paragraphs of a military letter from the Hon. the Court of Directors No. 10, dated 26th January 1838, and its enclosure, be published in general orders.

Para. 1. With reference to our military letter of the 30th August 1837, we have now to apprise you, that at the public examination which was held at the military seminary on the 11th Dec last, Mr Henry Price de Teissier was found to have rendered himself worthy of the distinction of receiving an Honourary certificate which was presented to him accordingly.

2. We forward for your observation and also for publication in general orders, a copy of the report of the public examination, the merits of Mr De Teissier, who was selected for the artillery and stationed to your presidency.

REPORT OF MAJOR GENERAL SIR ALEXANDER DICKSON, K. C. B.  
18th December, 1837.

I am happy to state that the following gentleman has received an honorary certificate on the present occasion, for which I was enabled to recommend him, on account of his progress, diligence, and unvaried good conduct at the institution, viz.

Mr. Henry Price de Teissier.

No. 66 of 1838.—The following paragraphs of a military letter No. 4, dated the 24th January 1838, from the Hon. the Court of Directors, are published for general information:

Para. 2. "We have granted the following officers an extension of leave, viz.

Lieutenant Colonel John Home, and Lieut. Henry Stone, for six months.

Lieut. G. Warren Stokes, to remain till March next.

3. We have permitted the following officers of your establishment to retire from the Service, viz.

Captain Alban T. Davies; the vacancy has effect from the 4th August 1836.

Captain W. A. Smith, from the 8th July 1836."

No. 68 of 1838.—The Hon. the President in Council is pleased to make the following promotion and appointment:

47th regiment native infantry.—Ensign Robert Renny, to be lieutenant, from the 18th April 1838, vice Lieutenant James George Brown Paton, deceased.

Captain Simon Fraser Hannay, of the 40th regiment native infantry, to be second in command of the Assam light infantry, vice Captain Charlton, resigned.

Lieutenant Thomas David Colyear, of the 7th regiment light cavalry, is promoted to the rank of captain by brevet, from the 8th May 1838.

The undermentioned gentlemen are admitted to the service in conformity with their appointment by the Honourable the Court of Directors, as cadets of infantry and an assistant surgeon on this establishment; the cadets are promoted to the rank of ensign, leaving the dates of their commissions for future adjustment.

Infantry.—Charles Sheppard Reynolds, Frederick Thomas Paterson, Henry John Edwards, Rowland Rees Mainwaring, date of arrival at Fort William, 16th May, 1838, and George Edward Ford, John Palmer Causfield, ditto ditto 12th ditto ditto.

Medical department.—Mr. James Alexander Dunbar, 12th May 1838.

The leave of absence granted to brevet captain John Ralphy Revell, of the regiment of artillery, in general orders No. 18, of the 18th January 1836, is commuted to a furlough to Europe, on medical certificate.

Captain John Villiers Forbes, of the 15th regiment native infantry, is permitted to proceed to New South Wales, via the Isle of France, on medical certificate, and to be absent from Bengal on that account for two years.

Sergeant George Mayhew, magazine sergeant, is admitted to the benefits of the pension sanctioned by Minutes of Council of the 11th January 1797, and general orders dated 5th February 1836, subject to the confirmation of the Hon. the Court of Directors, with permission to receive his stipend at Calcutta.

The Hon. the President in Council has been pleased to make the following promotions in the Calcutta native militia.

# GENERAL REGISTER.

Jemadâr Rohim Khan to be subadar, and Havildar Narkoo Khato, to be jemadar in succession to subadar Allad Raut, deceased.  
J. STUART, *Lieut. Col.*  
*Offg. Secy. to the Govt. of India Mily. Dept.*

*Head-quarters, Simla, 5th May, 1838.*—The Dinapore station order of the 15th ultimo, directing assistant Surgeon G. S. Cardew, to do duty with Her Majesty's 31st regiment, is confirmed.

His Excellency the Commander in Chief is pleased, with the sanction of the Right Hon. the Governor General, to appoint Mr. William McDormott to do duty, as a veterinary surgeon, with the horse artillery at Loodianeh, on a monthly allowance of 200 rupees, from the date on which he shall join the troop at that station, until he may be permanently admitted into the service (as notified in despatch from the Court of Directors, of the 14th of October last,) or until further orders.

The following individuals, who were appointed hospital apprentices in general orders of the 9th of October last, having failed to report themselves to the superintending surgeons, within whose circles of superintendence they are residing, are struck off the list of subordinate medical servants:

George Martin, Thomas Murphy, Richard William Clive, James A. Cockburn, Alexander Mood and Francis Dabraz.

*Head-quarters, Simla, 7th May, 1838.*—The Lucknow station order of the 13th of March, directing the provision of an extra doolie and set of bearers, for the temporary use of the city guards, is confirmed.

The Dinapore station order of the 22d ultimo, appointing Lieutenant Y. Lamb, acting interpreter and quarter master to the 61st regiment native infantry, to officiate as station staff, during the absence, on duty of the assistant adjutant general of the division, is confirmed.

Major G. Young's regimental order of the 24th ultimo, appointing Lieutenant O. P. Brooke, to act as adjutant to the 68th native infantry, during the absence, on leave of Lieutenant Bryant, is confirmed.

Assistant Surgeon E. Foaker, at present serving under the orders of the superintending surgeon at Dinapore, is directed to proceed and join Her Majesty's 44th foot at Ghazepore.

Assistant Surgeon T. Smith, M. D. of the 8th light cavalry, now doing duty with the former corps, will, on being relieved by Mr. Foaker, rejoin the regiment to which he belongs at Sultanpore.

Assistant Surgeon M. Nightingale, will proceed and do duty under the orders of the superintending surgeon at Cawapore.

Ensign F. Maitland, of the 4th, is appointed to act as interpreter and quarter master to the 50th regiment of native infantry, at Mirzapore.

Cornet F. N. Edmonstone, who was brought on the effective strength of the army in Government general orders of the 2d ultimo, is posted to the 4th regiment of light cavalry, at Kurnaul, and directed to join.

Half-pay Drummer John Wilkins, of the European regiment is transferred to the 24th regiment of native infantry, as a Drummer, to fill an existing vacancy.

By order of His Excellency the Commander in Chief.

J. E. LUMLEY, *Major General,*  
*Adjutant General of the Army.*

*Head-quarters, Simla, 4th May, 1838.*—The Sylhet station order of the 10th ultimo, directing surgeon J. Atkinson, of the 70th native infantry, to afford medical aid to the 73d regiment, during the absence, on duty of assistant Surgeon Guise, is confirmed.

The presidency division order of the 19th ultimo, appointing assistant Apothecary George Oliver, now at the general hospital, to officiate as assistant apothecary in the garrison dispensary, is confirmed.

The Neemuch station order of the 21st ultimo, directing assistant Surgeon J. Murray, M. D. of the artillery, to perform the medical duties of the 71st regiment of native infantry, in the room of assistant surgeon A. C. Duncan, M. D. medical store-keeper is confirmed.

The Commander in Chief is pleased to order the following removals and postings:

Colonel William Henry Kemm, new promotion, and on furlough, to the 62d regiment of native infantry.

Lieutenant Colonel William Gordon Mackenzie, from the 6th native infantry to the right wing European regiment.

Lieutenant Colonel James Eckford, new promotion, to the 6th regiment of native infantry.

Surgeon John Smyth, M. D. new promotion, is posted to the 4th regiment of native infantry at Futehgurh, and directed to

join after the detachment with which he now doing duty shall have reached its destination.

Assistant Surgeon George Rae, now doing duty under the orders of the superintending surgeon at Barrackpore, is directed to join and do duty in the hospital of Her Majesty's 9th foot.

Ameer Khan, native doctor, lately appointed to do duty under the orders of the civil surgeon at Agra, having proved himself unworthy to remain in the service, is to be paid up and discharged, from the date of the publication of this order at that station.

The undermentioned officers have leave of absence:

18th. regiment native infantry.—Ensign T. C. Richardson, from 15th May to 15th October, to visit the presidency, on private affairs.

58th regiment native infantry.—Ensign A. Campbell, from 1st May to 1st July, to visit Burdwan, on private affairs.

63d regiment native infantry.—Surgeon D. Butler, M. D. from 1st May to 15th June, in extension, to remain in the neighbourhood of Benares, on medical certificate.

*Head-quarters, Simla, 5th May, 1838.*—The undermentioned officers have leave of absence:

3d battalion artillery.—Captain W. J. Macvittie, from 1st December 1837 to 15th December 1837, in extension, to enable him to join.

3d company 5th battalion artillery.—2d Lieutenant J. Rogers, from 15th April to 10th November, to visit Simla, on medical certificate.

3d regiment native infantry.—Lieutenant interpreter and quarter master G. Pott, from 15th May to 15th October, to visit Hazareebaugh, on private affairs.

19th regiment native infantry.—Ensign D. C. Shute, from 15th April to 15th June, to visit Pooree, on medical certificate.

23d regiment native infantry.—Lieut. and Brevet Captain Lord Henry Gordon, from 15th April to 15th November, to visit the hills, north of Deyrah, on medical certificate.

N. B. This cancels the unexpired portion of the leave on private affairs, granted to this officer in general orders of the 29th December last.

71st regiment native infantry.—Captain J. S. Marshall, from 15th April to 15th May, in extension, to remain at the presidency, on medical certificate.

By order of His Excellency the Commander in Chief,

J. R. LUMLEY, *Major General,*  
*Adjutant General of the Army.*

*Head-quarters Simla, 11th May 1838.*—Brigadier General J. Cock, is appointed to the command of the Benares division.

Brigadier G. Pollock, C. S. will command the Dinapore division, during the absence, on leave of Major General Richards, C. S. or until further orders.

Brigadier A. Lindsay, C. S. is appointed temporarily to the command of the troops at Barrackpore.

The above officers are directed to join their respective commands at their earliest convenience.

Lieutenant George Ramsey, of the 25th regiment native infantry, is appointed aide-de-camp to Brigadier General Cock.

2d battalion artillery.—Captain T. Sanders, from 10th May to 31st October, to remain at Delhi, on private affairs.

73d regiment native infantry.—Captain E. A. Camberlege, from 17th April to 31st July, to visit the presidency, on private affairs.

By order of His Excellency the Commander in Chief.

R. TORRENS, *Major Genl.*  
*Adj. Genl. to her Majesty's Forces in India.*

*Head-quarters, Simla, 14th May, 1838.*—The Meerut division order of the 1st instant, appointing assistant Surgeon C. McKinnon, M. D. of the 3d brigade horse artillery, to the medical charge of the station and division staff at Meerut, vice assistant Surgeon Christopher, is confirmed.

The Sauger division order of the 17th ultimo, directing Captain R. D. White, of the 66th regiment of native infantry, to officiate as deputy judge advocate general, vice MacGeorge, appointed to officiate in the Meerut division, is confirmed.

The regimental order of the 15th ultimo, by Colonel J. Skinner, C. S. commanding the 1st local horse, directing local Lieutenant J. Turnbull, to act as adjutant to the corps, during the absence of Lieutenant Skinner, on leave, is confirmed.

## GENERAL REGISTER.

The 41st division order of the 5th instant, directing Shaikh Golom Ghoma, native doctor, attached to the hospital of the 21st regiment of native infantry, to proceed to Hansi, and do duty with the 1st local horse, during the absence, on leave, of Munnoo, native doctor of that corps, is confirmed.

The Neemuch station order of the 25th ultimo, directing Govind Lall, native doctor, of the 30th regiment of native infantry, to proceed to Saugor with the left wing of the 3d local horse, during the absence, on duty, of Khyroollah Khan, native doctor of that corps, is confirmed.

Bhodoona, a native dresser, employed at head-quarters, is appointed a native doctor, from the 11th instant, and directed to proceed in Kurnaul, and do duty under the superintending surgeon at that station.

The undermentioned officers have leave of absence :

25th regiment native infantry.—Lieutenant G. Ramsay, from 10th April to 30th April, to remain at Jubbulpore, on medical certificate.

26th regiment native infantry.—Lieutenant T. H. Hunter, from 1st May to 31st October, to visit the hills, north of Deyrah, on private affairs.

27th regiment native infantry.—Captain P. Hopkins, from 30th June to 31st December, on private affairs, to visit Simla and the presidency, preparatory to submitting an application for furlough.

Subordinate medical department.—Assistant Apothecary R. Bean, attached to H. M. 16th lancers, from 1st May to 1st November, to proceed to the hills north of Deyrah, on medical certificate.

*Head-quarters, Simla, 15th May 1838.*—The leave of absence for six months granted to Captain K. Campbell, of the 45th regiment native infantry, in general orders of the 12th ultimo, is to commence on the 29th April, and terminate on the 29th October, instead of the dates therein specified.

The leave of absence granted in general orders of the 12th ultimo, to Lieutenant H. D. Van Hornigh, the 48th regiment native infantry, is cancelled at his request.

Shaikh Ibrahim, native doctor, of the 45th regiment native infantry, having been reported unworthy of being retained in his present situation, is to be discharged the service from the date of promulgation of this order at the head-quarters, his regiment.

Drummer Simon Lyons, of the invalid pension establishment having been pronounced by a medical committee to be fit for active service, is transferred to the 44th regiment native infantry, and directed to be sent to join.

The undermentioned officers have leave of absence :

1st company 1st battalion artillery.—Captain E. F. Day, from 26th April to 15th July, to remain at Benares, on private affairs, and to enable him to rejoin his company.

20th regiment native infantry.—Lieutenant C. Rattray, from 3d May to 30th November, to visit Simla, on medical certificate.

55th regiment native infantry.—Lieutenant S. D. Agar, from 1st October 1837 to 20th November 1837, to visit the presidency, on medical certificate, preparatory to submitting an application for furlough.

38th regiment native infantry.—Lieutenant A. C. Dewar, from 15th May to 15th October, to visit the hills, north of Deyrah, on private affairs.

*Head-quarters, Simla, 16th May 1838.*—The presidency division order of the 28th ultimo, appointing native doctor Kissen Chunder to the Arracanal local battalion, is confirmed.

The Agra garrison and station order of the 2d instant, directing hospital apprentice W. H. Johnstone, arrived from presidency, with a detachment of recruits, to do duty in the artillery hospital, is confirmed.

The Allypurg station order of the 16th ultimo, appointing Lieutenant interpreter and quarter master W. F. Campbell, of the 64th regiment of native infantry, to act as station staff, is confirmed.

His Excellency the Commander in Chief is pleased to make the following appointment :

7th regiment of native infantry.—Lieutenant F. C. Brooke, to be adjutant, vice Revell, promoted.

Gun Corporal Martin Scamling, of the Ramgurh light infantry battalion, is promoted to sergeant, and appointed quarter master sergeant to the corps, vice Cooper.

By order of His Excellency the Commander in Chief,

J. LUMLEY, Major General,

Adjutant General of the Army.

## GENERAL ORDERS TO THE QUEEN'S TROOPS.

*Head-quarters, Simla, 19th April, 1838.*—No. 122.—The Commander in Chief has been pleased to make the following appointment and promotions until Her Majesty's pleasure shall be known :

3d light dragoons.—Captain G. H. Lockwood, to be major, without purchase, vice Andrews, deceased, 3d April 1838.

Lieutenant M. Jones, to be captain, vice Lockwood, promoted, 3d April 1838.

Cornet J. Wyld, to be lieutenant, vice Jones, promoted, 3d April 1838.

3d Foot.—Ensign William Duncan Hilton, from the 9th foot, to be Ensign, vice Dorehill, promoted, 10th March 1838.

9th Foot.—Ensign D. M. B. Thane, to be lieutenant, without purchase, vice Cook, deceased, 21st March 1838.

13th Foot.—Ensign the Hon. E. J. W. Forester, to be lieutenant, without purchase, vice Shakespeare, deceased, 9th April 1838.

The leave of absence granted in extension, by His Excellency Lieutenant General Sir P. Maitland, K. C. B., to Lieutenant E. Hawkes, 4th foot, to the 31st August next, is confirmed.

The undermentioned officers have leave of absence :

16th lancers.—Captain P. T. Robinson, from 10th April to 10th November, to Simla, on medical certificate.

13th light infantry.—Surgeon D. Murray, M. D. from 1st May to 15th November, ditto ditto.

By order of the Commander in Chief.

*Head-quarters, Simla, 26th April, 1838.*—No. 123.—Her Majesty has been pleased to make the following promotions and appointments in the regiments serving in India :

4th foot.—Major William Beetham, from half-pay, unattached, to be major, vice James Henry Phelps, promoted, 10th November 1837.

Ensign Frederick Charles Eveleigh, to be Lieutenant by purchase, vice Perse, appointed to the 2d dragoon guards, 10th November 1837.

William Mark Campbell, gent. to be ensign by purchase, vice Eveleigh, 10th November 1837.

7th foot.—Major Charles John Deshon, from the 20th foot, to be major, vice George James Romney, who retires upon half-pay, unattached, receiving the difference, 10th November 1837.

63d foot.—Captain D'Arcy Wentworth, to be major by purchase, vice Briggs, who retires, 3d November 1837.

Lieutenant John Hodson Fearon, to be captain, by purchase, vice Wentworth, 3d November 1837.

*Cancel his promotion vice Pratt.* Ensign Conan Hopton, to be lieutenant by purchase, vice Fearon, 3d November 1837.

William Kenney, gent. to be Ensign by purchase, vice Hopton, 3d November 1837.

## MEMORANDUM.

The Christian names of Ensign, Postlethwaite, of the 26th foot, are *Henry James William*.

The Commander in Chief has been pleased to make the following promotion until Her Majesty's pleasure shall be known :

17th Foot.—Ensign T. O. Rutledge, to be lieutenant by purchase, vice De Burgh, who retires, 23d April 1838.

His Excellency the Commander in Chief has been pleased to direct the publication of the following Government general order for the information of Her Majesty's forces serving in India :

The Commander in Chief in India, has been pleased to grant to Captain James Brown, of the 57th foot, who had served fifteen years and upwards as a subaltern, previously to his promotion to company, the rank of captain, by brevet, in the East Indies only, from the 14th of June 1830.

The committee of paymastership in Her Majesty's 63d regiment, consisting of Lieutenant Colonel Fairlough, Major Baylee, and Captain Mahon, appointed to act during the absence of paymaster K. Lane, and of Lieutenant Crompton, to continue to perform the duty, on the responsibility of that committee, is confirmed.

## GENERAL REGISTER.

The regimental order by the officer commanding 9th foot, dated 30th ultimo, directing the officers, named in the margin to proceed to Calcutta, by water, on general Court-martial duty, in compliance with a division order, and to return to Chinsurah in the same manner after its completion, is confirmed.

The division order by Major General Sir Willoughby Cotton, G. B. and K. C. H., dated 6th April, granting leave of absence to Ensign W. Shelton, 43rd foot, to proceed to England, for two years from the date of embarkation, on medical certificate, is confirmed.

The undermentioned officer has leave of absence:

13th light infantry.—Lieutenant Colonel Dennie, G. B., from the date of his leaving the regiment to 1st December 1838, to Musorie, on medical certificate.

By order of the Commander in Chief.

*Head quarters, Simla, 3d May 1838.*—No. 126.—Assistant Surgeon Knox, 3d light dragoons, is appointed to the medical charge of H. M. 13th light infantry, during the absence of Surgeon Murray, on medical certificate, and assistant Surgeon Menzies, 16th foot, to be attached to, and to be duty with H. M. 3d light dragoons, during the absence of assistant Surgeon Knox.

The leave of absence granted to Lieutenant Fitzgerald, 16th foot, in the general order of the 25th January last, No. 98, to proceed to Landour, on private affairs, is cancelled.

His Excellency the Commander in Chief has been pleased to promote the undermentioned officer to the rank of captain, by brevet, in the East Indies only.

63d foot.—Lieut. C. D. C. O'Brien, from the 25th March 1838.

The undermentioned officers have leave of absence:

3d light dragoons.—Lieutenant S. Fisher, for one month from 16th April, to enable him to rejoin.

16th lancers.—Lieutenant Colonel W. Perse, from 5th May to 1st October next, to Landour, on private affairs.

*Head quarters, Simla, 10th May 1838.*—The Commander in Chief has been pleased to make the following promotions until Her Majesty's pleasure shall be known:

2d foot.—Lieutenant H. D. Keith, to be captain without purchase, vice Jackson, deceased, 29th June 1837.

Ensign G. N. K. A. Yonge, to be lieutenant, vice Keith, promoted, 29th June 1837.

Ensign G. Piercy, to be lieutenant without purchase, vice Dalway, deceased, 15th April 1838.

54th foot.—Ensign M. Barbauld, to be lieutenant without purchase, vice Harvey, deceased, 4th April 1838.

The Commander in Chief in India, has been pleased to appoint Colonel J. Thackwell, G. B., of the 3d light dragoons, to take rank as major general by brevet, in the East Indies only; commission to be dated 10th January 1837.

The appointment of Ensign Sims, 63d foot, to act as adjutant to that corps during the absence, on leave of Lieutenant and Adjutant Morfield, is confirmed, from the 3d March last.

The regimental order by the officer commanding 9th foot, dated 14th April, directing the officers, named in the margin, to proceed to Fort William, by water, on Court martial duty, and to return in like manner, after its completion, is confirmed.

Surgeon McCreary, H. M. 9th regiment, doing duty with H. M. 16th lancers, will proceed to Chinsurah, and assume the medical charge of the corps to which he belongs.

The regimental order by the officer commanding H. M. 9th regiment, dated 18th April, appointing assistant Surgeon Harvey, to the medical charge of that Corps, vice assistant Surgeon Robertson, (49th regiment) deceased, as a temporary appointment until the arrival of Surgeon McCreary, is confirmed.

Assistant Surgeon Ross, 16th lancers, will assume the medical charge of the corps, until further order.

By order of the Commander in Chief,

R. TORRENS, Major General,  
Adj. Genl. to Her Majesty's Forces in India.

## SHIPPING INTELLIGENCE.

### ARRIVALS AT KEDGHERIE.

April 29th.—English ship *Sandawg*, Nacoda, from Bombay 12th, and Cunnamore 26th March; English barque *Buroog*, R. Gordon, from Bombay 3d, Tellicherry 9th, and Aleppeer 13th April; American ship *Osage*, W. Heining, from Philadelphia 26th December.

30th.—English ship *David Scott*, R. Spence, from London 26th November, Cape 22d February, and Madras 25th April; English ship *Juliana*, C. C. Young, from London 12th December; French ship *Houghip*, Roubin, from Bourbon 22d March.

May 1st.—English ship *Favorite*, T. Robinson, from Liverpool 25th October, and Madras 26th April; English barque *Frankland*, J. Webb, from Liverpool 27th December; English ship *Margaret Connal*, D. Morris, from Greenock 10th December; English ship *Forth*, W. Baxter, from Greenock 24th November.

2d.—English ship *Mary Anne Webb*, R. Lloyd, from Liverpool 8th January; American ship *Mary and Susan*, W. F. Parrott, from Portsmouth 4th December, Rio de Janeiro 6th February, and Madras 28th April.

6th.—English ship *Waterloo*, J. Cow, from Sydney 11th March, and Madras 1st May.

9th.—English barque *Raj Rancee*, J. H. Harding, from the Mauritius 9th March; English barque *Kyle*, T. Fletcher, from London 14th December.

8th.—English ship *Indian Oak*, R. Rayne, from Port Louis 6th March, and Madras 1st May; English schooner *John Hepburne*, B. Robertson, from Moulemein 15th, and Rangoon 24th April.

9th.—English ship *Malcolm*, J. Eyles, from London 19th December, and Madras 3d May; English barque *Princess Victoria*, J. Lee, from London 27th August.

11th.—English barque *Donna Carmelita*, T. Foss, from the Mauritius 12th March, and Point-de-Galle 1st May; English barque *Samont*, N. Burtzall, from Moulemein 31st April.

12th.—English barque *Mary*, Manyard, from Hobart Town 3d March.

13th.—English barque *Edward*, S. Morton, from Portsmouth 4th December, and Madras 9th May.

15th.—English ship *Forth*, J. H. Landers, from the Mauritius 9th January, and Rangoon 3d May.

23d.—English ship *Larkins*, G. Ingram, from London 16th January, and Madras 19th May; English barque *Isabella*, C. Munro, from Portsmouth 10th January, and Madras 17th May.

24th.—English ship *Bolton*, Young, from London 13th January.

25th.—English barque *Susanna*, J. P. Ridley, from the Mauritius 24th April, Point-de-Galle 14th, and Madras 20th May; English brig *Freak*, J. W. Smout, from the Mauritius 24th April.

26th.—English barque *Cuba*, A. Gray, from the Mauritius 26th April, and Madras 2d May, and Dutch barque *Maas*, from Batavia 2d May.

### ARRIVALS OF PASSENGERS.

*Per Burong, from Bombay*: Mrs. Wilson and Mrs. Honnessy; Mr. William Fawcett; P. M. Farnworth, Esq.

*Per Osage, from Philadelphia*: Thos. Ryan, Esq., merchant; Messrs. Joseph Caldwell and J. Caldwell, missionaries.

*Per David Scott, from London*: Mrs. Craigie; Mr. and Mrs. Whitmore, and Mr. and Mrs. Taylor, B. C. S.; Ensign Shaw, H. M. 31st; Ensign Pustlethwaite, H. M. 26th; Mr. Hopkinson, cadet; Mr. Onkes; Graham, private 26th regt.—*From Madras*: W. R. White, Esq., H. M. 16th Lancers; Capt. Sherman.

*Per Waterloo, from New South Wales*—Mrs. Vicamy and child; Mrs. Rose; Lieut. Vicamy, 4th N. I., and Rev. Mr. Rose.

*Per Kyle, from London*: Dr. J. A. Dunbar, assist. surg. M. D. H. C. S., and John P. Caulfield, cadet, ditto.

*Per Raj Rancee, from Port Louis*: Monsieur, Purdran.

*Per Indian Oak*: Mrs. Rayne and child, and Misses Rayne and Anna Clapperton.

*Per John Hepburne*: Mr. A. Nicol, mariner, from Rangoon.

*Per Malcolm, from London*: Mrs. Malan, Mrs. Jos. Ouseley and Mrs. Longdon; Misses Wall, Barlow, and A. Wilson; two Masters Malan; S. G. Malan, B. A. Professor, Bishop's College, Calcutta; Messrs. F. T. Paterson, H. J. Edwards, E. S. Reynolds, R. R. Mainwaring, and G. E. Ford, cadets.—*From Madras*: Mrs. Ellerton; Capt. Birch and Martin, B. N. I., and John Hall.

## GENERAL REGISTER.

*Per Mary, from Hobart Town:* Mrs. Cafter and Mrs. Gordon; Misses J. Gordon, C. Gordon, M. Gordon, L. Gordon, and G. Gordon; E. Cafter and A. Gordon, Esqrs.; Master F. Gordon; F. Webber Smith, Lieut. H. M. 40th regt.; Messrs. H. Warwick, Thompson, and Fergusson.—Willmouth, from Portland Bay; and Louis, a servant.

*Per Edward, from London:* Miss L. Young, Mrs. Morton and Mr. Kelly, steerage passenger.—*From Madras:* Miss Dean

*Per Forth, from Mauritius.*—Wm. Barnhard, Esq., merchant.—*From Rangoon:* Capt. Cowasjee Shoporjee.

*The Mattabangah.* Accommodation vessel in tow of the *Thames*, steamer, arrived at "Lowrye," about 6 miles distant from the Jumna-ghaut, on the afternoon of the 9th inst. Boats were immediately despatched by the agent to convey the cargo to Allahabad.

*List of passengers arrived at Allahabad:* E. Watson, Esq. Lieuts. Fisher and Woolten, and Mr. Clive and 3 children.

*Per Larkins, from London*—Mrs. Fyler; Capt. Fyler, 16th Lancers; Messrs. Mills, Lockett, and Smalpage, cadets; and Messrs. Milner, Bedford, and Moss.—*From Madras:* Mrs. Williamson; Miss Stafford; Lieuts. Hungerford and Walker, H. G. artillery, and Mr. Winsor.

*Per Isabella, from London:* Misses Isabella Morgan and Sarah Masson; Charles Morgan and John M. D. Masson, Esqrs. merchants; and Wm. Rhodes, steerage passenger.

*Per Bolton, from England:* Major Richard Benson, 11th regt. B. N. I.; M. Gwynne, Thos. F. Powell, and F. C. Trower, cornets, H. M. 16th Lancers; F. Crossman, R. R. Bruce, Thos. W. Gordon, E. Nepean, E. D. Vanrenen, A. J. Vanrenen, cadets; Robt. Lyall, Esq., merchant, and Mr. William Young.

### DEPARTURES FROM CALCUTTA.

May 2d.—*Lancier*, Aubin, for the Mauritius.

3d.—*Rob Roy*, J. McKinnon, for Singapore and China.

9th.—*Theresa*, White, for China.

10th.—*Frederick Huth*, J. Toby, for the Mauritius; *Sabandor Provee*, Nacuda, for Penang.

13th.—*Wm. Gray*, Bartoll, for Boston; *Betsy*, T. J. Saffield, and *Saltina*, J. Page, for Bombay.

15th.—*Hooghly*, Rawlins, for Bourbon.

17th.—*Chersbon Packet*, C. Kenrich, for Batavia.

20th.—*Alfred*, Thos. Jameson, for London.

21st.—*Hindoo*, John McGill, for Liverpool, and *Nonvelle Louise*, Le Flock, for Havre.

23d.—*Lady Clifford*, R. Grainger, for London.

24th.—*Edward*, J. H. Cheynee, for Philadelphia.

### DEPARTURES OF PASSENGERS.

*Per Water Witch, for China:* Mrs. Reynold and A. A. DeMc4-lo, Esq.

*Per Cowasjee Family, for Singapore and China:* Mrs. Pearson, Mrs. Lewis, and children; Captain Pearson, Lewis, Esq.; Captain Stavers, and Mr. Fraser.

*Per Roberts, for London:* Mrs. and Miss Shakespeare, and two children; Mr. and Mrs. Walters and child; Mr. and Mrs. Peter and 3 children; Major and Mrs. Hamilton; Captain Brackra and child; Mr. Bruce; Mrs. Sivright; Lieuts. Lamb and Otley; Messrs. Farmer and Fraser, and Master Amos.

*Per Sultana, for Bombay:* Capt. White, Horse Artillery.

## DOMESTIC OCCURRENCES.

### BIRTHS.

At Muttra, on the 6th April, the lady of Captain Free, 10th Light Cavalry, of a daughter.

At Pultospoor Factory, on the 9th April, the wife of Mr. Edward F. Greenway, of a son.

At Bamanhar Factory, Tirhoot, on the 19th April, the lady of James Cosserat, Esq., of a son.

At Dinapore, on the 22d of April, the lady of C. C. Fussell, Esq., of Lollisria Factory, Tirhoot, of a daughter.

At Patna, on the 27th of April, the lady of J. S. Dumergue, Esq., Civil Service, of a daughter.

In Fort William, on the 29th April, the lady of Major Mountain, Cameronians, of a daughter.

At Chandernagore, on Sunday the 29th April, the wife of Mr. W. Wilson, Schoolmaster, of a daughter.

At Calcutta, on the 2d May, Mrs. J. L. Carran, of a son.

At Calcutta, on the 4th May, the lady of F. J. Halliday, Esq. of a daughter.

At Monghyr, on the 28th April, the lady of George Batiye, Esq. of a son.

At Ghazepore, on the 28th April, the lady of Lieutenant T. A. Souter, of Her Majesty's 44th Regiment, of a daughter.

At Meerut, on the 30th April, at the residence of W. H. Benson, Esq., the lady of Captain T. A. Scott, 38th Regiment Native Infantry, of a son.

At Benares, on the 1st May, at the residence of G. Manwaring, Esq., the lady of A. P. Currie, Esq., Civil service, of a daughter.

At Calcutta, on the 6th May, the lady of A. D. Kemp, Esq. Attorney at Law, of a son.

At Calcutta, on the 6th May, Mrs. R. Z. Shircore, of a daughter.

At Calcutta, on the 11th May, Mrs. W. Greenway, of a son.

At Musorie, on the 30th April, the lady of Captain Thomas Roberts, Invalid Establishment, of a son.

At Penang, on the 20th of March, the wife of Mr. Sub-Conductor M. Connor, of a son.

At Simla, on the 2d May, the lady of J. Thomason, Esq., Civil Service, of a son.

At Buxar, on the 4th May, the lady of A. Matthews, Esq., of a daughter.

At Benares, on the 4th May, the lady of A. K. Lindsay, Esq., Civil Surgeon, of a daughter.

At Chittagong, on the 6th May, the lady of Adam S. Anand, Esq., of the Civil Service, of a daughter.

At the Residency, Hyderabad, on the 6th of May, the lady of Major J. A. Moore, of a daughter, which survived only a few hours; at Hingolee, on the 7th May, the lady of Capt. Edward Maynard, of a son.

At Hazaree Baugh, on the 8th May, the lady of Lieutenant C. B. P. Alcock, Bengal Engineer, of a son.

At Barrackpore, on the 14th May, the lady of Captain William Alexander Troup, of the 15th Regiment Native Infantry, of a son and heir.

At Calcutta, on the night of the 12th May, the lady of J. A. Faris, Esq., of a son.

At Calcutta on the 13th May, Mrs. P. K. Elphinstone, of a son.

At Chowringhee on the 16th May, the lady of J. P. Grant, Esq., of a daughter.

At Landour, on the 8th May, the lady of W. J. Conolly, Esq. Civil Service, of a daughter.

At Delhi, on the 11th May, the lady of Lieutenant Colonel Moseley, commanding the 35th regiment, of a son.

At Arrah, on the 12th May, the lady of G. D. Wilkins, Esq., of the Civil Service, of a daughter.

At Jamsalpoore, on the 14th May, the lady of Captain Carleton, 36th Regiment Native Infantry, of a son.

At Nessindpore Factory, Jessore, on the 15th May, the lady of P. Durand, Esq., of a son.

At Calcutta, on the 19th May, Mrs. James Eede, of a daughter.

At Calcutta, on the 21st May, at the Ballygunge Tannery, Mrs. W. Scott, of a son.

At Calcutta, on the 22d May, Mrs. C. Lefever, of a son.

At Calcutta, on Wednesday, the 23d May, the wife of Mr. F. Swaris, of a son.

At Chowringhee, on the 24th May, the lady of William Mackenzie, Esq., of a daughter.

### MARRIAGES.

At St. Peter's Church, on Thursday, the 26th April, by the Reverend W. O. Ruspial, M. A., Mr. R. Norris, an Assistant in the Sudder Dewanny Adawlut, to Mrs. C. Stewart.

# GENERAL REGISTER.

At the Cathedral, on the 30th April, by the Rev. H. Fisher, W. S. Betts, Esq., H. M. 26th or Cameroonia, to Anna Margaret, third daughter of the late Joseph Thompson, Esq., Ind. Planter.

At Calcutta, on the 1st May, by the Reverend J. Deatly, Arthur Newberry, to Louise Leroux.

At Calcutta, on the 2d May, at the Roman Catholic Church of Bottaconnah, and subsequently at the Cathedral, by the Reverend H. S. Fisher, Mr. Felix Hyde Hart, to Miss Anna Maria Pinto.

At Cawnpore, on Tuesday the 8th April, Mr. Assistant Apothecary John Hanby, to Miss Jane Kerwan, daughter of Conductor Kerwan.

At Cawnpore, on Tuesday the 8th April, Mr. Conductor Kerwan, of Ordnance Department, to Mrs. Elizabeth Riley.

At Cawnpore, on Tuesday the 8th April, Mr. Frederick Jacobite Miss Powers.

At Cawnpore, on Tuesday the 8th April, hospital apprentice Barren Charles Oakley, of the Medical Depot, to Miss Jane Winfield Waterfield, of H. M.'s 16th Regiment.

At Vizagapatam, on the 19th April, by the Rev. Vincent Sholland, Lieut. Josiah Wilkinson, 44th N. I. to Emma, third daughter of the late Lieut. Col. Ephraim, and grand daughter of Major General Welsh, Commanding the Northern Division.

At Calcutta, on the 8th instant, at St. John's Cathedral, by the Rev. W. O. Russell, Edward Taylor Trevor, Esq., Bengal Civil Service, to Catherine Elizabeth, eldest daughter of the late Lieutenant Colonel John Hunter, B. N. I.

At Calcutta, on the 11th May, at the Cathedral, by the Reverend H. S. Fisher, Mr. John Vallette, Assistant Arsenal, Fort William, to Mrs. Sarah Trantum.

On the 12th May, at the Cathedral, by the Rev. H. Fisher, Archibald Campbell, Esq., 58th Regt. N. I. to Maria Eskine Atkinson, only daughter of the late Capt. Thomas Jasper Atkinson.

At Calcutta, on the 12th May, at the Roman Catholic Church of Bottaconnah, Mr. G. F. Bowbear, an Assistant in the Sudder Board of Revenue, to Miss Mary Echaud, eldest daughter of the late Mr. George Echaud, Trader.

At Secunderabad, on the 2d May, by the Reverend J. McEvoy, Captain J. W. Boardman, of His Highness the Nizam's Service, to Miss Caroline O'Leary.

At Bareilly, on Monday, the 7th May, by the Reverend George Ward, A. B., Mr. George Thomas Smith, to Miss Louisa France Conway.

At Agra, on the 8th May, A. U. C. Plowden, Esq., Bengal Civil Service, to Ellen, second daughter of the late Captain John Camia Carne, of the Honourable Company's Bengal artillery.

At the Cathedral, on the 24th May, by the Rev. G. U. Withers, M. A. Bigneil, Esq., to Sophia Amelia, daughter of the late Robert McClintock, Esq.

At Calcutta, at the Principal Roman Catholic Church, Mark Lackerstein, Esq., to Miss Rosa DaCosta.

At Burdwan, on the 15th May, by the Rev. Mr. Weitbrecht, Mr. Felix D'Rosario, Catechist of the Church Mission Society, to Miss Jane Egan, formerly a ward of the European Female Orphan Asylum.

At Allahabad, on the 17th May, at the house of Colonel Orchard, commanding the station, by the Rev. A. Pratt, A. B. Capt. Alister Stewart, Hon'ble Company's European Regt. Harriett, second daughter of Capt. Hamilton, of Hamilton Lodge Staffordshire, and Barrackmaster, Gibraltar.

## DEATHS.

At Girgaum, on the 15th April, of Cholera, Captain William Durant, of the Ship *Good Success* of this Port, aged 34 years.

At Agra, on the morning of the 16th April, Captain Raban 47th N. I. of Cholera.

At Cawnpore, on the 19th April, Emily Charlotte, the youngest daughter of Mr. C. C. Greenway, aged 11 months and 23 days.

At Agra, on the 30th April, Felix Erasmus, the infant child of E. Gordon, Esq., of the Accountant's Office, aged 1 year and 1 day.

On Monday morning, the 2d of April, at the house of her brother Mr. Stephen Birch, of Puttysburr, Mrs. Anne Printzling, in the 62d year of her age, deeply regretted by all her relations and friends.

At Calcutta, on the 23d April, Mrs. Mary Hahn, aged 35 years, 4 months, and 16 days.

At Midnapore, on the 28th April, after a lingering and painful illness of upwards of a year, the wife of Mr. T. Jones, Head Clerk Superintending Engineer's Office, South Western Provinces, aged 29 years.

At Calcutta, on the 28th April, Mrs. Anna Nicholas, relict of the late Mr. Nicholas, aged 82 years.

At Calcutta, on the 29th April, of cholera Caroline, the infants daughter of Mr. and Mrs. George Brown, aged 3 years, 3 months and 14 days.

At Calcutta, on the 30th April, Mrs. Anna Maria Morrison, lady of the Rev. J. H. Morrison, aged 24 years, 2 months, and 15 days.

At Calcutta, on the 30th April, Master Henry Richard Martindell, son of Henry Martindell, Esq., Attorney at Law, aged 14 days.

At Calcutta, on the 30th April, Mrs. Eliza Danvers Elae, widow of the late Mr. John Preston Elae, of the Honourable Company's Marine, aged 24 years and 2 months.

At Dacca, on the 1st May, Eliza Ann, the beloved child of A. G. Glass, Esq., aged 11 months and 12 days.

At Calcutta, the General Hospital, on the 2d May, Mr. Robert Thomson, of 1st, Dhurumtoilab, aged 37 years.

At Fort William, early on the morning of the 3d May, the lady of Major Mountain, H. M. 26th Regt., or Cameroonia.

At Calcutta, on the 3d May, Mr. Daniel Francis Wood, aged 8 years.

At Calcutta, on the 3d May, of Cholera, Master John Pereira, junior, eldest son of Mr. and Mrs. John Pereira, aged 12 years, 11 months, and 10 days.

At Nusserabad, on the 13th April, in the 50th year of her age, the lady of Lieutenant Colonel R. Birch, and daughter of the late Lieutenant Colonel Frederick Trench; an affliction loss to her family.

On the 19th April, near Kotah, Lieutenant J. G. B. Paton, of the 4th Native Infantry, who accidentally met his death by the discharge of his fowling piece. His remains were interred at Kotah.

At Agra, on the 15th April the Reverend George Ward, aged 9 years, 9 months, and 5 days.

At Khainsa Jessore, on the 25th April, Mr. J. G. Aviet, Indigo Planter, aged 35 years.

Lately at Kurnaul, Lieutenant W. F. Shakespear, of Her Majesty's 13th Regiment Light Infantry.

At Jaunpore, on the 1st May, George, the youngest child of Assistant Surgeon J. T. Frazer, aged 3 years and 9 months.

At Calcutta, on the 5th May, Master William Moore Seagrove, who was unfortunately drowned whilst bathing with some of his school-fellows, in a tank, situated at the back of the bazaar, which faces Fenwick's Buildings Lindsey Street, Chowringhee, in the seventeenth year of his age.

At Calcutta, on the 5th May, of Cholera, Mr. Phillip Robam, of the Preventive Service, aged 27 years, 4 months, and 18 days.

At Monghyr, on the evening of the 5th May, James Andrew, son of Mr. Conductor J. Thompson, Invalid Pension Establishment, aged 19 years and 24 days.

At Souldah, on the 6th May Mrs. Mary Jane Hawkins, aged 60 years.

At Calcutta, on the 7th May, Miss Betsy Crips, aged 30 years and 10 months.

At Calcutta on the 8th May, Mrs. Martha Crosby, lady of Thomas Kidder Crosby, Esq., aged 23 years.

At Calcutta, on the 10th May, Mr. T. Jones, of the Police Office, aged 61 years, 6 months and 11 days.

At Entally, on the 11th May, aged 23 years, Harriet Elizabeth, the beloved wife of Mr. Thomas Hendy Ely, Librarian, *Harkara Press*.

At Calcutta, on the 11th May, James Nicholson, Esq., late Attorney of the Supreme Court, aged 45 years.

At Calcutta, on 11th May, Jas. Cock, Esq., aged 38 years.

At Akyab, on the 24th April, Ensign Rivers, of the 67th Regt. N. I.

At Secroor, on the 15th April, of Cholera, Mrs. Mary Ann Griffiths, relict of the late Mr. Thomas Griffiths, Pensioned Deputy Assistant Commissary of Ordnance, aged 60 years.

At Nyagaoon, 13 miles West of Bondee, in the camp of the Governor General's Agent, for the States of Rajpootana, on the 1st of April, by an attack of Cholera Morbus, Lieut. Wm. Thos. Briggs, of the 74th Regt. N. I., Assistant to the General Superintendent for the Suppression of Thuggee, and Officiating Assistant to the Rajpootana Agency, deeply and most deplorably regretted, on account of his amiable and honourable qualities, by the officers of his corps and by all who had enjoyed his intimate acquaintance. By the death Lieut. Briggs, his friends have sustained a most distressing bereavement and the Government the loss of a tried and most promising public officer.

At Allypore, on the 2d May, Colina Anne, the daughter of Lieutenant W. F. Campbell, 64th Native Infantry, aged 7 months and 10 days.

At Unsoorie, on the 4th May, the lady of George Gibbon, Esq. New Po in Midnapore, on Tuesday the 8th May, Farquhard Campbell Esq., Superintendent of Saltchokes in that District.

At Calcutta, on the 5th May, Mr. P. A. Chatter, aged 80 years.

At Calcutta, on the 11th May, the infant child of Mr. J. Pote.

At Calcutta, on the 11th May, Mr. John Cox, Assistant Messrs. Konteith and Co., aged 23 years.

At Dacca, on the 12th May, Mrs. Catchcatoon M. Simeon, relict of the late Marquis Simeon, Esq., Zemindar of Duckinsabazoo poor, aged 18 years and 5 months.

At Calcutta, on the 12th May, Mr. Petter D'Costa, Registrar of the Special Court of Commission, aged 46 years and 10 months.

At Calcutta, Free School, on the 12th May, Jane, the infant daughter of Mr. John Lindsey, Head Master, Free School, aged 3 months and 28 days.

At Calcutta, on the 18th May, Mrs. Ann Eliza Greenway, relict of the late Joseph Greenway, Esq., aged 47 years.

At Calcutta, on the 15th May, of Cholera, the eldest son of Montieur and Madame Philippe, aged 9 years.

At Calcutta, on the 16th May, Mr. H. G. A. Howe, Head Assistant, Military Accountant General's Department, aged 61 years and 9 months.

At Calcutta, on the 16th May, Mrs. Mary Robinson, lady of the Rev. W. Robinson, aged 40 years.

At the residence of Mr. Hampton, Howrah, on the 18th May, Ensign S. M. Hampton, 57th Regt. N. I., aged 27 years and 6 months.

At Calcutta, on the 19th May, Mrs. Marian Rose, wife of Mr. Abraham Rose, of the firm of Messrs. Hunter and Co., aged 27 years and 6 days.

# GENERAL REGISTER.

At Kamptee, on the 25th April, the infant son of Lieutenant and Mrs. George Briggs.  
 At Hurrab Factory, on the 21st May, the eldest daughter of Mr. and Mrs. Dasser, of Natiopotta Factory, aged 13th months and 19 days.  
 At Ootacamund, on the 30 May, the infant son of Lieutenant W. H. Miller.  
 At Diaporo, on the 7th May, the beloved wife of C. C. Russell, Esq., of Lollisaniha Factory, Tirhoot, aged 29 years, 7 months and 3 days.  
 At Meerut on the 10th May, Honor, the beloved daughter of Lieut. and Mrs. Lucy, of H. 31, 3d Buffs, aged 20 months and 18 days.  
 At Calcutta, near Chandney Choke, on the 1st May, Mrs. Mary Wickins, widow of Mr. John Martin Wickins, aged 50 years.  
 At Calcutta, General Hospital, on the 19th May, Captain, George Daniel Barker Kirby, Deputy Post master, Diamond Harbour, aged 27 years.

At Calcutta, in Cassitollah Street, on the 19th May, Mrs. Jane Adams, relict of the late Capt. Walter Adams, aged 60 years.  
 At Calcutta, on the night of the 21st May, after an illness of 24 hours, Mrs. C. M. Morton, wife of Mr. J. S. Morton, Veterinary Surgeon.  
 At Calcutta, on the 21st May, Mrs. A. Pratt, aged 36 years and 21 days.  
 At Calcutta, on the 21st May, Mr. Edward Jones, of the Fire Engine Department.  
 At Alipore, on the 23d May, Mrs. Mary Nicholson, relict of late James Nicholson, Esq., Attorney at Law, aged 39 years.  
 At Calcutta, on the 24th May, Robert H. S. Reid, Esq., aged 33 years.  
 At Calcutta, on the 26th May, Mr. George Clermont, aged 24 years, 11 months, and 9 days.

## REVIEW OF THE CALCUTTA MARKET.

(From the Bengal Hurkaru Price Current, May 29.)

**INMOO**—There have been two public sales this week, the first on the 22d instant of about 360 chests of inferior Oudh, held at the Loll Bazar Mart; the sale was very thinly attended, and scarcely a lot was sold, in consequence of the proprietors fixing high prices. The second sale was held yesterday at the New Mart, the quantity put up consisted of about 132 chests, up country produce, and although the attendance was thin, more than 2½ met with purchasers, but at rather low prices, the remainder was subsequently sold by private contract at fixed rates.

Accounts during the week from the Factories in Tirhoot, Walda, and, with very few exceptions, in Moorshehabad and Kishnaghur, are still of a very unfavorable nature, whereas those from Jessore and Dacca are better.

Advices from Home by the Overland mail to the 23d March represent the market inactive. A few small parcels were disposed of at 2d. to 4d per lb. below the January sale prices.

The Stock in London on  
 1st March, 1838, was chests 24,690 against the stock, on  
 1st March, 1837....., 20,930

Shewing an increase of.... 3,760 Chests.

And the deliveries in Feb. 1838, amounted to chests 1,166  
 Against the deliveries in Feb. 1837....., 1,213

Shewing a decrease of chests 106

The shipments up to last evening are  
 To Great Britain..... Fy. mds. 77,903  
 France..... 17,527  
 Stockholm..... 108  
 North America..... 1,794  
 Bombay, Persian Gulph and other  
 places in India..... 4,618  
 1,01,950

**RAW SILK**.—Continues in fair enquiry for the English market, and the prices of some of the assortments have slightly advanced. Accounts from England state, East India sorts were firmly held, and China quoted rather higher with a fair demand.

**COTTON**.—A few parcels have changed hands during the week for shipment to China per the *Mary Ann Webb* at steady prices.

Orders at present from China are limited, but several parties anticipate instructions regarding purchases by the next arrival.

Aspects in the interior are the same as stated before.  
**SILK PIECE GOODS**.—Operations in Corahs to a considerable extent are reported for the English market, but we have no particular change in prices to notice.

Accounts from Home by the Overland Mail are of a less favorable nature than we had expected, Corahs were about 5 to 7½ per cent. lower than in December, good qualities weighing full 13 oz. were quoted from 18s. to 19s. 6d. Choppahs and Bandarhas were not very brisk, and were quoted 16s. 6d. to 17s. 6d.

**SALT PETER**.—Purchases since our last have been to a limited extent, and prices may be quoted without alteration.

Accounts from London represent the article to have pressed on the market, and was consequently dull of sale, and at a decline in prices.

**SUGAR**.—Continues in fair enquiry, but without any change in prices.

Advices from London report the Bengal produce in limited demand, good middling to very good white at 59s. 6d. to 61s. per cwt. In Siam or Manila there was nothing doing, and the market became heavy, without buyers, particularly of the soft and inferior kinds, except at reduced prices, but holders, were not disposed to accede to any decline.

**SHELL LAC**.—Very little doing for the English market, and prices have a tendency to a decline.

Accounts from London and Liverpool are very unfavourable, and Stocks are reported heavy.

**LAC DYE**.—A few parcels have been taken up for the English market at steady prices. Accounts from Europe state this article more favorable.

**SAFFLOWER**.—Some purchases of the new crop have been reported for the English market, but we observe no particular change in prices.

**GRAIN**.—Nothing doing for Europe, a few purchases of Moonghyr Rice, for the Mauritius are the only transactions reported since our last at former prices.

**OPIMUM**.—Very little continues to be done in this Drug, excepting a few chests for shipments per the *Altaran* for China, and our quotations may be reported nominal.

The quantity in the Company's godown up to last evening amounted to

	Patna.	Benares.	Total.
Old.....	255	90	345
New.....	1,161	785	1,946

## MONEY MARKET.

### GOVERNMENT SECURITIES.

Stock Paper	Transfer Loan of 1835. 36, interest payable in England.....	BUY [SELL]	Sa. Rs.	0 p. ct.
Second, 6 pr. cent	From No. 1200 a 1500 according to Numbers....	to sell. para pm. 0 4 a	3 0	3 8
Third	5 per Cent.....	prem. 3 0 2	8	
	4 per Cent.....	Disc. Co.'s Rs. 2 6 3	10	

Stock Paper	Transfer Loan of 1835. 36, interest payable in Eng. land.....	Sa. Rs.	0 p. ct.
Second	From No. 1200 a 1500 according to Numbers....	to sell. para pm. 0 4 a	3 0
Third	5 per Cent.....	prem. 3 0 2	8
	4 per Cent.....	Disc. Co.'s Rs. 2 6 3	10

# GENERAL REGISTER.

Second	{ From No. 1200 a 15200 }	In sell.	par	a pm.	3 0 "
5 pr. ct.	{ according to Numbers }	to buy	pm.	0 4 "	3 4 "
Third	5 per Cent.	.....	prem.	2 12 2	4 "
	4 per Cent.	.....	Disct. Co.'s Rs.	2 6 2	10 "

Stock Paper	{ Transfer Loan of 1835-36. }	5a Rs.			
	{ interest payable in Eng. }	Prem.	15	0 14	0 p. ct.

Second	{ From No. 1200 a 15200 }	to sell.	par	a pm	2 0 "
5 pr. cent.	{ according to Numbers }	to buy	pm	0 4 "	3 4 "
Third	5 per Cent.	.....	prem.	2 12 2	4 "
	4 per Cent.	.....	Disct. Co.'s Rs.	2 4 2	8 "

## BANK SHARES.

BENGAL BANK. (Co.'s Rs. 4,000)	prem. Co.'s Rs.	2,800 a 2,700
UNION BANK.. (Co.'s Rs. 1,000)	" "	250 a 200

BENGAL BANK (Co.'s Rs. 4,000)	Prem. Co.'s Rs.	2,800 a 2,700
UNION BANK.. (Co.'s Rs. 1,000)	" "	250 a 200

BENGAL BANK. (Co.'s Rs. 4,000)	Prem. Co.'s Rs.	2,800 a 2,700
UNION BANK.. (Co.'s Rs. 1,000)	" "	250 a 200

BENGAL BANK (Co.'s Rs. 4,000)	Prem. Co.'s Rs.	3,000 a 2,900
UNION BANK.. (Co.'s Rs. 1,000)	" "	200 a 150

## PRICE OF BULLION.

Spanish Dollars Co.'s Rs.	220	0 0 a 220	8	0 per 1 0
Dubloons .....	32	8 0 a 33	0	0 each.
Joes or Ponzas .....	19	11 0 a 20	0	0
Sovereigns .....	10	5 0 a 10	6	0
Bank of England Notes .....	10	8 6 a 10	10	8
Gold Mohurs .....	18	6 0 a 18	7	0
China Gold Bars .....	12	0 0 a 14	10	8 per an. wt.
Sycoo Silver .....	102	4 0 a 104	8	3 p 100 an. wt.

Spanish Dollars.....	Co. Rs.	220	8 0 a 221	0	0 per 100
Dubloons .....		32	8 0 a 33	0	0 each.
Joes or Ponzas .....		19	11 0 a 20	0	0
Sovereigns .....		10	3 0 a 10	5	0
Bank of England Notes .....		10	8 6 a 10	10	8
Gold Mohurs .....		18	6 a 18	10	0
China Gold Bars .....		12	0 0 a 14	10	8 per an. wt.
Sycoo Silver .....		102	4 0 a 104	8	3 p 100 an. wt.

## COURSE OF EXCHANGE.

BUY.]	s. d.	s. d.	[SELL.	s. d.	s. d.
2 1 1/2 a	2 2	On London, 6 months' sight	2 2 1/2 a	2 3	
102 0 a	102 8	On Madras, 30 days' sight	98 0 a	98 8	
102 8 a	103 0	On Bombay 30 days' sight	98 0 a	93 8	

s. d.	s. d.	s. d.	s. d.
2 1 1/2 a	2 2	On London, 6 months' sight	2 2 1/2 a
102 0 a	102 8	On Madras, 30 days' sight	98 0 a
102 8 a	103 0	On Bombay 30 days' sight	98 0 a

## RATES OF INTERESTS AND DISCOUNTS.

### BANK OF BENGAL.

Discount	{ On Government Bills and Salary....	5 per cent.
	{ On Private Bills, 3 months .....	10 ditto.
Interest	{ On Loans on Government Papers ...	6 1/2 ditto.
	{ On Goods .....	8 to 10 ditto.

### UNION BANK.

Discount	{ Charged on Govt. and Salary Bills ..	5 per cent.
	{ Charged on Private Bills, 1 month ...	9 ditto.
	{ Charged on ditto ditto, 2 ditto .....	10 ditto.
	{ Charged on ditto ditto, 3 ditto .....	11 ditto.
Interest	{ Allowed on Deposits for 3 months certain	5 ditto.
	{ Charged on Company's Paper Loans ..	8 ditto.
	{ Charged on Deposits of Goods .....	9 ditto.

## ADMINISTRATIONS TO ESTATES.

Daniell, William.....	Registrar Supreme Court.
Earls, Mary, Widow.....	Francis Cook.
Glazbrook, Henry.....	Registrar Supreme Court.
Shairp, George, Lieutenant, 15th N. 1.....	Registrar Supreme Court.
Tomlin, John.....	Registrar Supreme Court.
Burn, Frederick William.....	John Jackson.
Oakley, Richard Cater.....	Registrar Supreme Court.
Powers, John.....	Elizabeth Powers.
Abbott, George, Captain, 15th N. L.....	Registrar Supreme Court.
Anundmoye Biswas, .....	Bissonauth Biswas.
Campbell, F. Superintendent of Salt Chokies of Midnapore.....	A. Gordon.
Dobbs, A.E., Master in Equity and Accountant Genl of the S.C Registrar Supreme Court.	
Hunter, William, Joint Magistrate and Deputy Collector of the Zillah of Ghazepore.....	Registrar Supreme Court.
Bazot, M. A. F.....	Fransanges.
Chater, P. A.....	Registrar Supreme Court.
Daniell, W.....	Registrar Supreme Court.
Howe, H. G. A.....	T. M. Howe.
Reid, R. H. S.....	E. Mackintosh and A. F. Smith.





# GENERAL REGISTER.

## GOVERNMENT NOTIFICATIONS.

&c. &c. &c.

### BY THE PRESIDENT IN COUNCIL.

*Fort William, general department, 13th June, 1838.*—The Hon. the President in Council is pleased to place the services of Mr. W. O. S. Cunningham, at the disposal of the Right Hon. the Governor General, for the north western provinces, from the 16th May last.

Mr. T. P. Blane, of the civil service, lately employed in the north western provinces, is transferred to the Government of Bengal, from the 29th ultimo.

*Fort William, general department, 26th June, 1838.*—The Hon. the President in Council is pleased to grant to Mr. J. F. N. Reid, post-master general, leave for fifteen days, or such further period as will enable him to rejoin by the route of Singapore, in extension of the leave granted to him on the 5th February last.

The Hon. the President in Council is pleased to attach Mr. C. W. Moore, of the civil service, to the Bengal presidency.

H. T. PRINSEP,  
Sec. to the Govt. of India.

### BY THE DEPUTY GOVERNOR OF BENGAL.

*Political department, Simla, 11th of May, 1838.*—Mr. M. P. Edgeworth, assistant to the political agent at Umballa, has one month's leave of absence from the 16th instant, on his private affairs.

By order of the Right Hon. the Governor General,  
W. H. MACNAUGHTEN,  
Sec. to the Govt. Genl. N. W. P.

*Judicial and revenue department, 22d May, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment:

Baboo Madhub Chunder Mullick, the deputy collector under the provisions of Regulation IX. of 1833, in Dacca.

*Fort William, Ecclesiastical department, 23d May, 1838.*—The Hon. the Deputy Governor of Bengal is pleased to permit the Rev. William Palmer, junior presidency chaplain, to remain at Nussersarab for a period of six months, on medical certificate.

*Fort William, general department, 26th May, 1838.*—The Hon. the Deputy Governor of Bengal is pleased to permit Mr. H. D. H. Fergusson, writer, leave of absence from the 29th instant to the 29th July next, to visit Jamalpore, on urgent private affairs.

*Legislative department, 26th May, 1838.*—The Hon. the President of the Council of India in Council has been pleased to appoint Mr. T. H. Madlock, to officiate as secretary to the Government of India in the legislative, judicial and revenue departments, until further orders. Mr. Mangles will continue to officiate as secretary in the abovementioned departments until relieved by Mr. Madlock.

ROSS D. MANGLES,  
Offg. Sec. to the Govt. of India.

*Fort William, judicial and revenue department, 26th May, 1838.*—The Hon. the Deputy Governor of Bengal having had under his consideration a report submitted by the officiating judge of the 24-parganahs, and the proceedings of the Court of Sudder Dewany Adawlat, on a charge of official misconduct preferred against Hafeezooddeen Ahmed, principal sudder ameen in the 24-parganahs, and being of opinion that Hafeezooddeen Ahmed is unworthy of further confidence as a judicial officer, has dismissed him from the office of principal sudder ameen in the said district.

*The 26th May, 1838.—Errata.*—In the notification of the 5th May, inserted in the *Calcutta Gazette* of the 26th idem, for Monjee Anwar Ali, mooniff of Jaggonnath Digry, in Tipperah, read Monjee Anwar Ali, mooniff of Cusheb Noormugur, in ditto.

Also, for the names of Mahomed Arshed, mooniff of Kendraparrah, in Cuttack, and Hindrabas Mullick, mooniff of Rajarampore, in Dinagore.

FRED. SAS. HALLIDAY,  
Offg. Secy. to Govt. of Bengal.

*Judicial and revenue department, 26th May, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased, with the sanction of the Government, to appoint Mr. M. P. Edgeworth, assistant to the political agent at Umballa, to be deputy collector of the sudder board of revenue, vice Mr. R. S. Maling.

Mr. F. J. Halliday is appointed secretary to the Government of Bengal in the judicial and revenue departments, vice Mr. Mangles.

Mr. E. Currie is appointed secretary to the sudder board of revenue, vice Mr. Halliday.

*Judicial and revenue department, 26th May, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointment:

Mr. G. F. Brown to be commissioner of revenue of the 42th or Bhawalpore division, to take effect from the 1st March last, the date on which Mr. C. Harding resigned the service.

The following officers have obtained leave of absence from their stations:

May, 29 1838.—Moor Dood Ullee Khan Bahadoor, deputy collector under Regulation IX. of 1833, in Burdwan, for six weeks.

*Separate department, 26th May, 1838.*—The Hon. the Deputy Governor of Bengal is pleased to make the following appointments:

Mr. R. S. Maling to be superintendent of Midnapore salt chokias, vice Mr. F. Campbell deceased.

Mr. J. A. Terrance to be superintendent of salt chokias at Jessore, in the room of Mr. R. S. Maling promoted.

*The 30th May, 1838.*—Messrs. G. O. Barnes and A. A. Roberts, writers, attached to the north western provinces, have been permitted to remain at the presidency until the departure of the June steamer for Allahabad, viz. from the 9th to the 18th proximo.

*Fort William, political department, dated 30th May, 1838.*—Major Richard Benson to be resident at Ava, with the rank of colonel.

Captain William McLeod to be assistant to the resident at Ava.

Mr. G. T. Bayfield, late assistant to the resident at Ava, will remain in separate charge at Rangoon, under the orders of the resident at Ava.

*General Department, the 30th May, 1838.*—The Hon. the President in Council is pleased to notify the re-admission by the Hon. the Court of Directors of Mr. J. B. Thernhill, to the Bengal civil service, in cancellation of his retirement on the pension allowed to servants of the late China establishment.

The Hon. the President in Council is pleased to appoint the following gentlemen to be post masters at the stations set against their names respectively:

Lieutenant T. Branson, at Muttra; Lieut. G. M. Hill, at Loodhiana, to take effect from the 5th instant; and Lieut. N. A. Staples, at Dacca, to take effect from the 21st instant.

*Fort William, separate department, 30th May, 1838.*—The salt agent of Balasore is hereby vested with joint jurisdiction with the collector of Midnapore for the trial of persons charged with offences against the laws for the protection of the salt revenue who made over by the superintendent of the salt chokias of Jellapore, Dantoon and Kalkapore, appointed under the Act No. IX. of 1835, and the said salt agent of Balasore shall and hereby empowered to exercise in respect to such cases, the powers described in sections XCVI. and CIX. and other provisions of Regulation X. 1819, of the Bengal code.

*Fort William, general department, 30th May, 1838, Government notice.—Post office.*—The Hon. the President in Council authorizes the commanding officers of stations and posts, and the station staff to frank letters containing Chinese opium pensioners' declaration certificates under the rate of Clause LI. of post office rules for franking soldiers or sepoys' letters.

H. T. PRINSEP,  
Secy. to the Govt. of India.

May, 31 1838.—Mr. C. Grant, officiating joint-magistrate and deputy collector of Nogaoli, for six months, on medical certificate. Mr. T. Young will officiate in those capacities until further orders.

Mr. A. R. Young, assistant to the magistrate of Thibet, for one month, on private affairs.

Mr. Wm. Bell has been authorized to exercise the powers of joint-magistrate and deputy collector at Nogaoli, instead of at Chittagong as directed on the 18th instant.

*The 4th June, 1838.*—The following officer has obtained leave of absence from his station:

Mr. J. Pagan, the assistant surgeon lately attached to the station of Rangoon, for six months, to proceed to Darjeeling, on medical certificate.

*The 5th June, 1838.*—The Hon. the Deputy Governor of Bengal has been pleased to make the following appointments:

Mr. M. P. Edgeworth to be deputy collector of Calcutta, in succession to Mr. C. Francis deceased.

*The 8th June, 1833.*—Mr. A. Littlejohn to be assistant to the magistrate and collector of Dacca.

*Judicial and revenue department.*—The following officers have obtained leave of absence from their stations:

*June 8, 1833.*—Mr. R. Finney, deputy collector under Regulation IX of 1833, in zillah Mithapore, an extension of two months leave of absence from the 19th ultimo.

*For William, general department, the 6th June, 1833.*—The Hon. the Deputy Governor of Bengal is pleased to make the following appointments:

Mr. William Balchett to be assistant to the resident councillor at Singapore, vice Mr. R. F. Winkrope proceeded to Europe. Mr. William Thomas Lewis to be assistant to the resident councillor at Penang, vice Mr. Balchett.

Mr. J. B. Westerhout to be assistant to the resident councillor at Malacca.

The extension of leave granted under the orders of Government, dated the 25th February last, to Mr. J. W. Saloon, resident councillor at Prince of Wales Island, to the 6th of April, is cancelled from the 25th March, the date on which he resumed charge of his office.

The leave of absence granted under the orders of Government dated the 9th August, 1832, to Mr. Samuel Goring, resident councillor at Malacca, for six months, is cancelled from the 29th April last, the date on which he resumed charge of his office.

*Revenue department.*—The Hon. the Deputy Governor of Bengal is pleased to make the following appointments:

Mr. John Trotter to be temporary member of the board of customs, salt and opium, and of the marine board.

Mr. H. S. Lees to be acting agent of the Boonars division, vice Mr. J. Trotter.

*Ecclesiastical department.*—The Hon. the Deputy Governor of Bengal is pleased to permit the Rev. Charles Rawlins, officiating district chaplain at Patna, to proceed to the hills for a period of one year, on medical certificate.

Leave for one month has been granted to the Rev. Richard Arnold, district chaplain at Cuttack, by the Right Rev. the Lord Bishop of Calcutta, to take effect from the 24 instant.

*June 8, 1833.*—Baboo Rymah Sen, second principal sudder ameen in Jessore, for a fortnight, from the 14th instant, on private affairs.

*June 12, 1833.*—The Hon. the deputy Governor of Bengal has been pleased to make the following appointments:

Moulavie Najfussool Huk, to be sudder ameen of Moorsheda bad, vice Moulavie Mohummed Khorshed.

Shah Obedoolah, to be principal sudder ameen in Chittagong, vice Mr. G. Doucet, deceased.

Moulavie Ashraf Alee, to be sudder ameen in Chittagong, vice Shah Obedoolah.

Roy Radha Govind Seem to be principal sudder ameen of the 24 pergunnahs, vice Hafeezooddeen Ahmed dismissed.

The following officers have obtained leave of absence from their station.

Mr. G. N. Cheek, assistant surgeon, attached to the civil station of Burdwan, for four days, for the purpose of visiting the presidency on private affairs.

*Judicial and Revenue department, the 12th June, 1833.*—The Hon. the deputy Governor of Bengal has been pleased to make the following appointments:

Hussan Ali Khan Behadoor, to be deputy collector under Regulation IX. of 1833, in zillah of Haidgolee.

Baboo Omachura Bhattacharjee to be ditto ditto under ditto, in ditto.

Mahomed Irfan Khan Behadoor, to be ditto ditto under ditto, in ditto.

Baboo Radhanath Gangoolie, to be ditto ditto under ditto, in ditto.

Mr. J. R. B. Bennett, to be ditto ditto under ditto, in ditto.

Baboo Harrochut Dutt, to be ditto ditto under ditto, in ditto.

Baboo Kogoonath Bose, to be ditto ditto under ditto, in zillah Chittagong, vice Moulavie Bunderwoola resigned.

Baboo Iswar Chunder Sain, to be ditto ditto under ditto, in ditto, vice Baboo Goolchunder Boll resigned.

Baboo Doorgapursand Ghose, to be ditto ditto under ditto, in ditto.

Baboo Ram Chunder Mitter and Baboo Chundermunt Sain, deputy collectors under Regulation IX. of 1833, have exchanged districts, the former having been transferred to Mymensing, and he letter to the 31-pargannahs.

Mr. W. M. G. Dunsmyre, a ditto ditto under ditto, in Jessore, has been placed under the commissioner of the Soonderbuns, and Mr. O. Herliem, a ditto ditto under ditto transferred to Jessore under Mr. S. Louth.

The following officers have obtained leave of absence from their stations:

Mr. John FinPatrick, assistant revenue surveyor, in charge of Malabar survey, for two months, on private affairs.

*June, 13, 1833.*—Mr. G. A. C. Plowden, officiating deputy secretary to the Government of Bengal, in the judicial and revenue department, has been permitted to proceed to Singapore, on medical certificate, and to be absent on that account for six months, for the restoration of his health.

FRED. JAS. HALLIDAY.

Sec. to the Govt. of Bengal.

*Political department, 13th June, 1833.*—Colonel Pedro Juan DaCosta Pacheco has been appointed by the Brazilian Government to be Brazilian Consul General in the British dominions in Asia, and under the orders of the British Court of Directors, the authorities of the several presidencies in India are hereby required to recognize the said Consul General as representing the said Government of Brazil accordingly.

*General department, 13th June, 1833.*—Mr. William Brown uncovered deputy collector at Bhamore, is appointed ex-officio post-master at that station.

J. T. PHANSIPP.

Sec. to the Govt. of India.

*June 18th, 1833.*—Turnoversand Pandit, first sudder ameen of east Burdwan, for two months, on account of ill health.

*June, 19th 1833.*—The Hon. the deputy Governor of Bengal, has been pleased to make the following appointments:

Mr. G. F. Lyesence, has been authorized to exercise temporarily the powers of joint-magistrate and deputy collector in zillah Hooghly.

Mr. J. C. Trotter, has been authorized to exercise similar powers of zillah Mithapore, until further orders.

The following officers have obtained leave of absence from their stations:

Mr. T. Young, officiating joint-magistrate and deputy collector of a Moocolly, for one month, on private affairs, from the 1st proximo.

*Fort William, general department, 20th June, 1833.*—Sir Charles Stuart Ochterlony, Bart., having passed an examination on the 16th instant, and being reported qualified for the public service by proficiency in two of the native languages, the order issued on the 9th ultimo, for that gentleman's return to England, is cancelled.

Mr. H. Aubert is appointed to officiate, vice Mr. William Adam, for Mr. J. B. Marjorie, as clerk to the committee for controlling the expenditure of stationery.

*June, 22nd, 1833.*—Mr. Stanforth, special deputy collector of Rajeshahy, &c. for two years, on medical certificate, to proceed to the Cape of Good Hope, and eventually to New South Wales.

Mr. G. A. C. Plowden, officiating deputy secretary to the Government of Bengal, in the judicial and revenue department, has reported his departure on the *Syph*, to Singapore on the 18th instant, the date on which the pilot left the vessel at sea.

FRED. JAS. HALLIDAY.

Secy. to Govt. of Bengal.

BY THE GOVERNOR GENERAL.

*Political department, Simla, the 2nd May, 1833.*—Mr. Assis. and Surgeon M. H. Hind, of the 68th regiment, native infantry, was appointed on the 1st instant, to the medical charge of the political agency at Mundlaieir, vice assistant surgeon A. W. Scott promoted.

By order of the Right Hon. the Governor General of India, *Political department, Simla, 4th June, 1833.*—Lieutenant John Maitland, of the 44th artillery, has this day been appointed to be an assistant to the commissioner for the Government of the territories of his Highness the Rajah of Mysore.

Lieutenant R. Cannon, of the 40th regiment Malabar native infantry, to be ditto ditto ditto.

*Political department, Simla, 14th June, 1833.*—Lieutenant W. F. Eden, 3d assistant to the resident at Indore, joined his station on the 16th ultimo.

By order of the Right Hon. the Governor General of India, H. TORENS.

Dep. Sec. to the Govt. of India, with the Govt. Genl.

BY THE GOVERNOR GENERAL FOR THE N. W. P.

*General department Simla, the 16th May, 1833.*—Sepoils.—revenue.—Mr. G. H. Smith, collector of customs, N. W. Frontier, is vested with the powers of a deputy opium agent under clause I, section XIX, Regulation VII. of 1824, in the districts of the Delhi and Meerut divisions.

*Revenue.*—Mr. J. Thomson, settlement officer in zillah Amritsar, has obtained leave of absence, on medical certificate, from the date on which he left his station, under leave granted by the officiating commissioner, to the 1st November next, for the purpose of proceeding to the hills.

*Judicial, 19th May 1833.*—Mr. A. Reid, civil assistant surgeon of Boondalschuhur, has obtained leave of absence, on his private affairs, for one month, from the 1st proximo.

*Judicial and Revenue.*—Mr. W. G. S. Cunningham, is appointed to officiate as joint-magistrate and deputy collector of Ghazipur.

*General department, Simla, the 21st May, 1833.*—Revenue.—Mr. M. P. Edgeworth is appointed to be a deputy collector for the investigation of claims to land in the district of Meerut, of revenue, in the district of Meerut.

# GENERAL REGISTER.

The 26th May, 1838.—*Judicial.* Khadim Hussein Khan, sudar-ameen of Cawnpore, has obtained leave of absence on his private affairs, for two months, commencing from the 18th March last.

*General department, Simla, the 29th May, 1838.—Judicial.*—The following officers have obtained leave of absence from their stations:

Mr. G. W. Bacon, judge of Saharunpore, for fifteen days, on his private affairs. Mr. Bacon has been authorised to make over charge of his office to Mr. E. Thomas, who will conduct the current duties thereof during Mr. Bacon's absence.  
Mokund Sing Puchooro, principal sudar-ameen of Agra, for four days.

29th May, 1838.—Mr. T. P. B. Biscoe, is placed at the disposal of the Hon'ble the deputy Governor of Bengal.

Simla, June, 4th 1838.—*Judicial and Revenue.*—The Right Hon'ble the Governor General having been pleased to revise the list of officers exercising the powers of joint magistrate and deputy collector, has resolved, that a certain number of them shall constitute a lower grade of joint magistrates and deputy collectors, with the salaries formerly allotted to assistant magistrates. The following officers are accordingly appointed joint magistrates and deputy collectors of the second grade, at the stations noted below:

Mr. F. Williams	Bareilly.
Mr. T. H. Symption	Bijnore.
Mr. J. A. Craigie	Buldoon.
Mr. H. C. Tucker	Azimgurh.
Mr. E. H. C. Monckton	Shahjehanpore.
Mr. H. B. G. Tucker	Junpore.
Mr. F. R. Davidson	Benares.
Mr. S. J. Becker	Fatehpore.
Mr. R. Alexander	Agra.
Mr. E. Thomas	Saharunpore.
Mr. J. Mahery	Moozuffurungah.
Mr. H. S. Ravenshaw	Panacea.

*General department, Simla, 6th June, 1838.—Revenue.*—Shao Manick Choud, deputy collector under Regulation IX. of 1838, in Cawnpore, has obtained leave of absence for fifteen days, from the 26th April last, on his private affairs.

J. THOMASON,  
Off. Sec. to the Govr. Genl. N. W. P.

## MILITARY.

BY THE PRESIDENT IN COUNCIL.

Fort William, 26th May, 1838.—No. 76 of 1838.—The following lists of rank of cadets of artillery and infantry, and of an assistant surgeon, appointed for the Bengal Presidency, are published for general information:

No. 1 of 1838.—List of rank of cadets for the Bengal artillery and infantry.

For the artillery.—To rank from the 11th December, 1837, the day on which they passed their public examination, and in the following order, provided the ships by which they passed sail from Gravesend on or before the 11th March, 1838.

Henry Fries de Telsier, and Robert Robertson Bruce.  
For the infantry.—To rank from the 11th December 1837, the day on which they passed their public examination, and in the following order, provided the ships on which they embark sail from Gravesend on or before the 11th March, 1838.

Edward William Selousbury; George Gyle Jacob; William Bellie; John Lambert; John Arthur Howard Gorkes; Donald Macleod; Humphrey Thomas Repton; Edward John Boileau; Robert Reynolds; William Frederick Newlan Wallace; Charles Samuel John Terrot; William Spiller Perria; Edward Donald Vorencean; Francis Geach Crossman; James Wetmore Lockett; William Campbell; Charles Metcalfe Sney; Robert Campbell; Charles Newton; Edward Newton Dickenson.

To rank from the 12th December 1837, agreeable to the resolution of Court of the 4th December, 1837, and in the following order; viz

Crawford Trotter Chamberlain, Appd. 4th Oct. 1837, Roberts, sailed 30th Oct. 1837.

Henry Hopkinson, Appd. 8th Nov. 1837, David Scott, sailed 26th Nov. 1837.

To rank from the date of the sailing from Gravesend of the Ship by which he proceeded.

John Palmer Caulfield, *Kyle*, sailed 12th Dec. 1837.

To rank from the date of the sailing from Gravesend of the ship by which the paragraph announcing his appointment, was despatched; viz.

Andrew George Colebrooke Sutherland, (abroad,) para. per *Justina*, sailed 12th December, 1837.

To rank from the date of the sailing from Gravesend of the Ship by which they proceeded, and in the following order; viz.

George Edward Ford, *Malcolm*, sailed 21st December, 1837.  
Frederick Thomas Ralston, ditto, ditto.  
Roland Reed Mainwaring, ditto, ditto.  
Charles Sheppard Reynolds, ditto, ditto.  
Henry Joint Edwards, ditto, ditto.

(Signed) PHILIP MELVILL,  
Secy. Mil. Dept.

*East-India House, 5th January, 1838.*

(A true copy)

(Signed) JAMES C. MELVILL, Secy.  
*East India House, London, the 16th January, 1838.*

No 1 of 1838.

List of Rank of an assistant surgeon for Bengal.  
To rank from the date of the sailing from Gravesend of the ship by which he proceeded.

James Alexander Dunbar, M. D., *Kyle*, sailed 12th Dec. 1837.  
(Signed) PHILIP MELVILL,  
Secy. Mil. Dept.

*East India House, 5th January, 1838.*

(A true copy.)

(Signed) JAMES C. MELVILL, Secy.  
*East India House, London, the 16th January 1838.*

No. 77 of 1838.—The Hon. the President in Council is pleased to direct that the following circular letter from the war office, dated 13th December, 1837, on the subject of the wills of soldiers of Her Majesty's service, dying in hospital, be published for general information:

Circular, No. 892.

War Office, 13th December, 1837.

Sir,—There being reason to believe that the wills of soldiers dying in hospital are sometimes obtained in favour of their comrades by undue means, I am directed to request G. 86,513, that you will give the necessary instructions, that, in addition to any other witness, the surgeon or assistant surgeon shall in every instance, when practicable, be present at the execution of the wills of soldiers in hospital, and that he affix a declaration to such wills, stating whether the parties were in a fit state of mind at the time to execute the same.

I am further instructed to request that whenever a will not containing such a declaration, shall in future be transmitted to this office, you will annex thereto an explanation of the circumstances, and will withhold all payment at the regiment arising thereon until the decision of the secretary at war be notified.

The soldiers serving in the regiment under your command must be apprized of the adoption of these regulations, and their substance must be stated in written, or printed notices, to be struck up in conspicuous places in the different hospitals.

I have, &c.

(Signed) L. SULLIVAN.

Officer commanding  
Regt. of

No. 78 of 1838.—The following paragraphs of military letters, Nos. 13 and 28, dated the 21st February and 14th March 1838, from the Hon. the Court of Directors (to the address of the Governor of Bengal), are published for general information:

Letter from Court, No. 18, dated 21st February, 1838.

"Para 3. We have granted additional leave to the following officers, viz.

Brevet colonel George Hunter, and Lieutenant colonel John Anderson, for six months.

Major A. F. Richmond, to postpone his departure until 1st September, 1838.

Captain Robert Taylor, Lieutenants W. S. Pillans, Thomas Goddard and William Innes, ensign Frederick Adams, and superintending surgeon Tweedie, for six months.

4. We have placed lieutenant C. O. S. Goodday on the retired list. This vacancy has effect from the 20th July, 1838.

5. We have permitted brevet captain John Heatham to retire from the service. This vacancy has effect from the 19th Aug. 1837.

6. Assistant surgeon Julius Jeffreys, of the invalid establishment at your presidency, has been placed on the retired list.

7. Surgeon Alexander Sault, of your establishment, has been permitted to retire from the service. This vacancy has effect from the 8th July, 1838."

Letter from Court, No. 28 dated 14th March, 1838.

"Para 2. We have granted additional leave to the following officers, viz.

Lieutenant colonel P. M. Hay, for six months.

Ditto D. Hawthorne, till June.

Surgeon Andrew Murray, M. D., asst. surg. Ebenezer Mitchell and Ensign Robert Hay, for six months."

No. 79 of 1838.—In conformity with the instructions of the Hon. the Court of Directors, the following paragraphs of their military letter, No. 29, dated the 11th March, 1838, are published in general orders:

1. We have the satisfaction to announce to you that Her Majesty has been graciously pleased to nominate and appoint major general Sir Henry Worsley, K. C. B., to be a knight grand cross of the most hon. military order of the Bath, in the room of major general Sir John W. Adams, deceased; and major general Donald Macleod, C. B., to be a knight commander of the above order, in the room of major general Sir Henry Worsley.

2. You will be pleased to publish this dispatch in general orders.

No. 80 of 1838.—Lieutenant Charles Boulton, of the 47th regiment native infantry, is promoted to the rank of captain by brevet from the 24th May, 1838.

Major Richard Benson, of the 11th regiment native infantry, has returned to his duty on this establishment, without prejudice to his rank, by permission of the Hon. the Court of Directors, date of arrival at Fort William, 24th May, 1838.

The undersigned gentlemen are admitted to the service in conformity with their appointment by the Hon. the Court of Directors, as cadets of artillery and infantry, on this establish-

# GENERAL REGISTER.

ment, and promoted to the rank of 2d Lieutenant and ensign respectively, leaving the dates of their commissions to be adjusted hereafter:

**Artillery.**—Mr. Robert Robertson Bruce, date of arrival at Fort William, 24th May, 1838.

**Infantry.**—Messrs. Thomas Whitson Gordon, Francis James Sealpage, Evan Philip Tighman Nepean, James Metcalfe Lockett, and Arthur Samuel Mills, date of arrival at Fort William 24th May, 1838; Augustus Jacob Vanrenen, and Edward Donald Vanrenen, ditto 26th ditto.

Mr. James Goodlad Wollen having satisfied Government on the points of qualification prescribed by existing regulations, is admitted to the service as a cadet of infantry on this establishment, agreeably to instructions from the Hon. the Court of Directors. Mr. Wollen is promoted to the rank of ensign, leaving the date of his commission for future adjustment. Mr. Wollen reported his arrival to the town major of Fort William on the 19th May, 1838.

Ensign Charles Gustavus Walsh, of the 16th regiment native infantry, is permitted to proceed to Europe on furlough, on account of his private affairs.

Gunner DaPonte, of the artillery, was appointed on the 13th instant, an assistant overseer in the department of public works on the salary allowed for that rank, and placed at the disposal of the superintending engineer north western provinces.

**Fort William, 26th May, 1838.**—No. 82 of 1838.—The Hon. the President in Council is pleased to direct, that the following extract of a military despatch from the Honourable the Court of Directors to the Government of Fort St. George, No. 17, dated 21st February, 1838, the directions contained in which are declared to be equally applicable to this presidency, be published in general orders:

*Extract military letter to Fort St. George, No. 17, dated 31st February, 1838.*

*Reply to letter dated 30th March 1837.*  
(No. 15.)

19. We observe that you had permitted an officer, (Lieutenant Pearson) to retire in India upon half pay.  
4. Certain officers permitted to retire from the service.

return to Europe should be granted a pension on retirement except upon their satisfying us at the close of their furlough, that their health will not permit their continuing to serve in India, we desire that you will not again grant a similar permission.

No. 83 of 1838.—The Hon. the President in Council is pleased to direct, that the following extract paragraph 34, of a military letter from the Hon. the Court of Directors, No. 30, dated 14th March, 1838, be published in general orders:

*Letter No. 30 dated 14th March, 1838.*—Para. 34—"We take this opportunity of apprizing you, that Colonels of regiments who have succeeded to office, may be permitted to reside in India unemployed in the same manner and with the same allowances as major generals similarly circumstanced."

**Fort William 4th June, 1838.**—No. 94 of 1838.—The Hon. the President in Council is pleased to make the following promotions and alteration of rank:

**Regiment of artillery.**—2d Lieutenant Alfred Casper Hutchinson, to be 1st Lieutenant, vice 1st Lieutenant and Brevet Captain John Hotham, retired, will rank from the 25th April, 1838, vice 1st Lieutenant and Brevet Captain John Lealand Mowatt, promoted.

**Left wing European regiment.**—Ensign John Fagan, to be Lieutenant, vice Lieutenant George Christopher Smyth Goodday, retired, with rank from the 5th March, 1838, vice Lieutenant Alister Stewart, promoted.

**Medical department.**—Assistant Surgeon Robert Rankine, to be Surgeon, vice Surgeon Alexander Scott, retired, with rank from the 17th March, 1838, vice Surgeon Robert Tytler, M. A., deceased.

## ALTERATION OF RANK.

**Regiment of artillery.**—1st Lieutenant J. L. C. Richardson, to rank from 19th Aug. 1837, vice J. Hotham, retired; do. M. Mackenzie, do. 11th Oct. 1837; do. W. Anderson, promoted; do. W. Timbrell, do. 16th Oct. 1837; do. J. Turton, ditto; do. W. K. Warner, do. 17th Nov. 1837; do. A. Cardew, deceased; do. C. Stewart, do. 20th Feb. 1838; do. G. J. Cookson, ditto; and do. C. Boulton, do. 20th April 1838; do. F. Brind, promoted.

**Left wing European regiment.**—Lieutenant D. Sexton, to rank from 20th July 1836, vice G. S. Goodday, retired; do. R. Magney, do. 5th Nov. 1838; do. W. Shortford, promoted; and do. H. A. Walker, do. 11th Nov. 1837; do. T. Lysaght, ditto.

**Medical department.**—Surgeon J. F. Stewart, M. D., to rank from 18th July 1836, vice A. Scott, retired; do. A. McK. Clark, do. 11th Nov. 1836; do. J. Clarke, deceased; do. J. Colvin, M. D. 25th Dec. 1836; do. W. A. Venour, retired; do. W. Stevenson, Sr. do. 1st Feb. 1837; do. N. Maxwell, M. D., do.; do. W. Bell, do. 5th March 1837; do. J. Tytler, deceased; do. J. Grier, do. 21st March 1837; do. J. J. Paterson, ditto; do. J. S. Sullivan, do. 1st May 1837; do. R. Grabbane, invalided; do. J. W. Grant, do. 3d May 1837; do. Joseph Duncan, deceased; do. R. Shaw, do. 13th July 1837; do. D. Renton, ditto; do. A. P. Gert, do. 31st July 1837; W. P. Maston, ditto; do. C. C. Mcert, do. 1st Aug. 1837; do. W. Thomas, retired; do. J. Menzies, do. 31st Dec. 1837; do. J. Swiny, M. D., ditto; do. B. Wilson, do. 19th Feb. 1838; do. J. M. Todd, deceased; do. J. McCaverton,

do. 1st March 1838; do. T. M. Munro, retired; do. J. Smyth, M. D., do. 1st March 1838; do. J. Turner, ditto.

No. 86 of 1838.—Mr. Francis Cecil Crossman, is admitted to the service in conformity with his appointment by the Hon. the Court of Directors, as a cadet of infantry on this establishment, and promoted to the rank of ensign, leaving the date of his commission for future adjustment.—Date of arrival at Fort William, 26th May, 1838.

2d Lieutenant Townsend James William Hungerford, of the regiment of artillery, has returned to his duty on this establishment, without prejudice to his rank, by permission of the Hon. the Court of Directors.—Date of arrival at Fort William, 26th May, 1838.

Lieutenant Edward Pinckard B. Bryant, of the 68th regiment native infantry, is permitted to proceed to Europe, on furlough, on account of his private affairs.

The leave of absence granted to Captain Richard Courtenay Johnson, of the 50th regiment native infantry, in G. O. No. 41 of the 22d February, 1836, to visit Van Diemen's Land, is extended to twenty-nine days beyond the period therein stated.

The Hon. the President in Council is pleased to make the following promotions in the Calcutta native militia: Jemadars Hunnarj Doss and Motee Sing, to be subadars, vice Sewdial Sing and Maushal Sing, transferred to the invalid establishment.

Havildars Radhay Doss and Nubharaj Mahto, to be Jemadars, in succession to Hunnarj Doss and Motee Sing, promoted.

**Fort William, 11th June, 1838.**—No. 87 of 1838.—The following appointment was made by the Hon. the President in Council, in the secret and separate department, under date the 3rd ultimo.

Major Richard Benson of the 11th regiment native infantry to be resident at Ava, with the official rank of colonel.

The undermentioned officers are promoted to the rank of captain by brevet, from the date expressed opposite to their names:

**Regiment of artillery.**—1st Lieutenants Francis Dashwood, George Campbell, William Soltau Pillans, George Henry Swinley, William Edward John Hodgson, George Ellis, Francis Radcliffe Bazely, James Abbott, and Francis Burton Bellens, 6th June, 1838.

Mr. Thomas Pottinger having satisfied Government on the points of qualification prescribed by existing regulations, is admitted to the service as a cadet of infantry, on this establishment, agreeably to instructions from the Hon. the Court of Directors. Mr. Pottinger is promoted to the rank of ensign, leaving the date of his commission for future adjustment. Mr. Pottinger reported his arrival to the town major of Fort William, on the 7th June, 1838.

No. 88 of 1838.—A special committee of inquiry, composed of the officers hereinafter named, will assemble at Benares, as soon as may be practicable, for the investigation of such matters as will be communicated to the president, with full instructions by the officiating secretary to the Government of India in the military department.

**President.**—Major J. Thomson, 31st regiment native infantry. Members.—Captain Lewis assistant commissary general, and captain Haig, 6th regiment native infantry.

The deputy judge advocate general of the Dinapore and Benares divisions will attend the committee and conduct the proceedings under the instructions to be conveyed to the presiding by the officiating military secretary to the Government of India.

**Fort William, 19th June, 1838.**—No. 90 of 1838.—Lieutenant Hamilton Veitch, of the 54th regiment native infantry, is promoted to the rank of captain by brevet, from the 15th June 1838.

Surgeon George Smith, of the medical department, is permitted to proceed to New South Wales, for the recovery of his health and to be absent from Bengal, on that account for two years.

Captain Alexander McKinnon, of the 42d regiment native infantry, is permitted to retire from the service of the East Indian Company, on the pension of a major, from the date of sailing of the ship on which he may embark for Europe.

Brevet Captain and Lieutenant F. Dashwood, of the regiment of artillery, assistant secretary to the military board, is permitted, in anticipation of the leave applied for through his Excellency the Commander-in-Chief, to proceed to Singapore, on urgent private affairs, and to be absent on that account for six months.

No. 91 of 1838.—The following paras. of military letters from the Hon. the Court of Directors to the Governor of Bengal, are published for general information:

*Letter No. 39, dated 10th April, 1838.*

2. Additional leave has been granted to the following officers viz

Captains E. E. Ludlow and William Hunter, Lieutenants Charles Lowth and F. W. Cornish, for six months.

Lieutenant H. Barry, for three months.

3. The following officers have been permitted to retire from the service from the dates specified, viz

Major Alexander Horabough, from the 1st March 1838.

Captain C. S. Barberie, from the 26th February 1838.

Ensign Cosmo A. Herburne, from the 26th February 1838.

*Letter No. 41, dated 11th April, 1838.*

We have permitted Surgeon Thomas Stewart, of your establishment, to retire from the Company's service; his retirement will take effect from the 5th April 1838.

No. 93. of 1838.—The Hon the President in Council is pleased to rescind the existing regulations for the supply of the equipments prescribed for regiments, in general orders of the 3th August 1801, and in lieu thereof to direct that in future the provision and repair of such equipments, together with the supply of medicines, muscambals, shoeing, &c. shall be vested in the commissariat department.

Superintendents or officers in charge of studs will, at as early a period as possible in every year, apprise the deputy commissary general of the number of horses likely to be passed into the service at their respective studs by the next ensuing committee, and that officers will on receiving such intimation take measures to have the equipments prepared and ready on the spot for the use of the horses when they are delivered over to the officer receiving charge of them.

These equipments are not to be of an expensive description, but to be sufficiently good to serve during the march of the horses to their corps, when they will of course be supplied with the appointments of the horses they replace, as wearing to complete; when horses may be supernumerary, appointments for them will be provided by the commissariat on regular indent prepared by officers commanding corps.

S. STUART, Lieut. Col.  
Offg. Sec. to the Govt. of India Mil. Dept.

ECCLLESIASTICAL.

Pursuant to public notice, at the ordination held by the Right Reverend the Lord Bishop, at the Cathedral on Sunday, the tenth instant, being Trinity Sunday.

The Rev. Solomon Caesar Malan, B. A., of Saint Edmund's Hall, Oxford, Professor of Bishop's college, was ordained Deacon to whom the Lord Bishop has since granted his License to officiate at the Collegiate Chapel of Bishop's College.

The Lord Bishop has also licenced the Rev. James Bowyer, to officiate as missionary minister at Howrah, in the archdeaconry and diocese of Calcutta.

My or of the Lord Bishop, dated at Calcutta this 19th day of June, 1838.

W. H. ABBOTT,  
Registrar and Secretary.

Fort William, 18th June, 1838.—No 94 of 1838.—The Hon the President in Council is pleased to direct, that the following extract of a military letter from the Hon. the Court of Directors to the Governor of Bengal, No. 38, dated 10th April 1838, be published in general orders:

Para. 2a. In our military letter to Bombay, of the 10th April 1838, (No. 13) Para. 5. We stated, that we would convey to you our reply to the memorial of Major Moore, the deputy military auditor general at that presidency, relating to his claim to a prior house-rent or regimental tentage, and we take the present opportunity of fulfilling that intention.

21. We learn from that memorial and its accompanying proceedings that three different systems obtain in respect to the house-rent or house-rent and tentage, of the staff officers stationed at the capitals of each of the three presidencies. Those stationed at Madras draw regimental tentage and regimental house-rent, whilst those at Calcutta and Bombay draw no tentage but those at Calcutta receive a superior rate of house-rent, and those at Bombay draw house-rent according to regimental rank.

22. The Bengal system was established on the principle of giving to staff officers at the presidency house-rent exceeding by 50 per cent. the rate previously drawn by them. This principle received our sanction, and we now direct that it be extended to the staff officers stationed at the capitals of the three presidencies.

23. In our letter to Bombay of the 2d May 1827, we directed that officers holding stationary staff appointments should not be allowed to draw tentage; that being an allowance intended solely to cover the expense of providing tents and tent-equipment to which such officers were not liable. This order has not yet been extended to Madras, but we now desire that it may be made applicable to that presidency also.

Fort William, 15th June, 1838.—No 95 of 1838.—The following lists of rank of captains of infantry, and of assistant surgeons appointed for the Bengal presidency, are published for general information:

No. 2 of 1838.

List of Rank of Captains for the Bengal Infantry.

To rank from the date of sailing from Gravesend of the ships by which they proceeded, and in the following order, viz.

Edward Loch, *Duke of Northumberland*, sailed 11th January 1838.

Francis James Smalgrave, *Larkins*, sailed 11th January 1838.

Arthur Samuel Mills, ditto, ditto.

Augustus Jacob Varnhagen, *Boltro*, sailed 14th January 1838.

Thomas William Gordon, ditto, ditto.

Evam Philip Tugman Neeson, ditto, ditto.

Oswald Walter Brodie, *Abberdon*, sailed 11th February 1838.

To rank from the date of the transmission by the overland mail of the paragraph announcing his appointment.

James Goodlad Wollen, (abroad) 17th February 1838.

To rank from the date of the sailing from Gravesend of the ships by which they proceeded, and in the following order, viz.

Francis Hardwick Warren, *Lady Raffles*, sailed 18th February 1838.

Frederick Teruer Wroughton, ditto, ditto.

William Fraser, *Lyander*, sailed 21st February 1838.

William Louis Mosheim Bishop, ditto, ditto.

To rank from the date of the sailing from Portsmouth of the ship by which he proceeded.

John James Macdonald, *Lady Raffles*, sailed 18th February 1838.

(Signed) PHILIP MELVILL,  
Sec. Mil Dept.

East India House, 28th February 1838.

(A true copy)  
JAMES C. MELVILL,  
Secretary.

East India House, London, the 2d March 1838.

No. 2 of 1838.

List of Rank of Assistant Surgeons for Bengal.

To rank from the date of the sailing from Gravesend of the ships by which they proceeded, and in the following order viz. Richard William Faithful, *La Bella Allance*, sailed 10th February 1838.

Edmund Boulton, *Abberdon*, sailed 11th February 1838.

Henry Charles Eddy, *Lady Raffles*, sailed 18th February 1838.

Memo.—Mr. Egerton Baines having returned to this country to complete his appointment, is to be struck out of the list of rank No. 1 of 1837.

Luke Kelly, M. B. having been appointed an assistant surgeon to Her Majesty's forces, his name is to be struck out of the list of rank No. 1 of 1837.

(Signed) PHILIP MELVILL,  
Sec. Mil Dept.

East India House 28th February, 1838.

(A True copy)

(Signed) JAMES C. MELVILL,  
Secretary.

East India House, London, the 2d March, 1838.

No. 96 of 1838.—The Hon. the President in Council is pleased to make the following promotions and alterations of rank:

16th regiment native infantry.—Lieutenant Edward Rowland Mainwaring to be captain of a company, and Ensign Frederick Bernard Donaghy to be lieutenant, from the 28th February 1838 in succession to Captain Cortland Skinner Barberie, deceased.

46th regiment native infantry.—Captain William Bolton Girdlestone to be major, Lieutenant Henry Walker Burt to be captain of a company, and Ensign Richard Athelstan Herbert to be lieutenant, from the 1st March 1838, in succession to Major Alexander Horsburgh, retired.

47th regiment native infantry.—Lieutenant and Brevet Captain Charles Bolton to be captain of a company, vice Captain and Brevet Major Benjamin Blake, deceased, with rank from the 15th April 1838, vice Captain Henry Tilman Raban, deceased.

Ensign Arthur Henry Cole Sewell to be lieutenant, vice Lieutenant and Brevet Captain Charles Boulton, promoted with rank from the 14th April 1838, vice Lieutenant James George Brown Paden, deceased.

N. B. The rank of captain, by brevet, assigned to Lieutenant Charles Boulton, in general orders, No. 89, of the 25th ultimo, is cancelled.

Medical Department.—Assistant Surgeon William Stevenson, M. D. (junior) to be surgeon, from the 5th April 1838, vice Surgeon Thomas Stoddart retired.

ALTERATION OF RANK.

47th regiment native infantry.—Captain O. C. Armstrong, to rank from 12th March, 1838, vice B. Blake, deceased.

Lieutenant A. O. Reid, ditto 12th March, 1838, ditto O. C. Armstrong, promoted.

Lieutenant R. Henry, ditto 15th April, 1838, ditto C. Bolton, promoted.

Lieutenant George Salter, of the 4th regiment native infantry, is promoted to the rank of captain, by brevet, from the 29th June 1838.

Lieutenant William Cumberland, of the 11th regiment native infantry, has returned to his duty on this establishment, without prejudice to his rank, by permission of the Hon. the Court of Directors. Date of arrivals at Fort William, 21st June 1838. The undermentioned gentlemen are admitted into the service in conformity with their appointment by the Hon. the Court of Directors, as cadets of infantry, on this establishment, and promoted to the rank of ensign, leaving the dates of their commissions for future adjustment.

Infantry.—Messrs. William Louis Mosheim Bishop, William Fraser, and Robert Campbell, date of arrival at Fort William, 21st June 1838.

Mr. Robert Charles Stevenson, ditto 22d ditto

No. 97 of 1838.—Lieutenant John Langhous, of the corps of engineers, is appointed to survey and improve the road from Cachin to Mampore, under the direction of Lieutenant Guthrie, vice Lieutenant J. O. Allardice, whose state of health compels him to give up the appointment. Lieutenant Langhous is directed to join the 6th company of sappers and miners at Luckipore.

The undermentioned individuals are appointed overseers in the department of public works, on the salaries allowed for that

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rank to fill existing vacancies and are placed at the disposal of the superintending engineer, lower provinces.

Juggut Doolab Muzumdar.

Corporal D. Ratray, of the Hon. Company's Engineer regiment.

Assistant overseer W. Nicoll, is removed from the department of public works.

## BY THE GOVERNOR GENERAL.

*Simla, 15th May, 1838.*—The following appointment was made in the political department, under date the 16th instant:

Assistant surgeon W. Brydon, of the 4th light cavalry, to the medical charge of the 3d regiment native infantry, in the Oude auxiliary force, vice assistant surgeon H. Taylor, whose appointment is cancelled at his own request.

*Simla, the 23d May, 1838.*—The following appointment was made on the 21st instant, in the political department:

Mr. Assistant Surgeon M. M. Hind, of 68th regiment native infantry, to the medical charge of the political agency at Malakal, vice, assistant surgeon A. W. Steart, promoted.

*Simla, 5th June, 1838.*—Lieutenant J. R. Lunley, of the 9th regiment native infantry, has been placed in the political department, at the disposal of His Excellency the Commander-in-Chief.

In continuation of general orders dated camp, Meerut, 9th of February last, the Right Hon. the Governor General has much pleasure in publishing the under mentioned names of forty eight native officers of the Bengal establishment, who have been selected for admission, from the 1st May 1837, into the second class of the "Order of British India," with the title of "Bahadur."

2. The names of two more officers, to complete the number to fifty, will be published hereafter.

Gua Isacars, 3d battalion artillery, subadar Ramjann; ditto, 3d ditto, subadar Curroome; ditto, 4th ditto, subadar Berrico Khan; ditto, 5th ditto, subadar Elwaric; ditto, 1st ditto, Jemadar Mangloo, 3d light cavalry, subadar major Shaikh Hussain Ali; 3d ditto, subadar Shalick Kama Bux; 3d ditto, subadar Nudjoo Khan; 5th ditto, subadar major Mirza Mahmood Beg; 6th ditto, subadar major Sahib Sing; 8th ditto, subadar Amer Sing; 9th ditto, subadar Mow Yacoub Ali; 10th ditto, subadar major Bexoo Sing; 10th native infantry, subadar Puhson Sing; 8th ditto, subadar major Luckman Sing; 11th ditto, subadar major Shalick Kad Ali; 11th ditto, subadar major Rampersad Pandey; 15th ditto, subadar Mootoo Wazir; 15th ditto, subadar Gumpersad; 19th ditto, subadar major Soetfil Sing; 20th ditto, subadar major Manabkoo Sing; 21st ditto, subadar Mierward Sing; 22d ditto, subadar Shalick Chaud; 22th ditto, subadar major Jewell Doobey; 23d ditto, subadar major Kullayw Sing; 33d ditto, subadar Mungoo wun Sing; 34th ditto, subadar major Ramjoo Khan; 36th ditto, subadar major. Roohau Khan; 44th ditto, subadar Bujoo Sing; 43d ditto, subadar Shoooodoo Sing; 44th ditto, subadar major Allard Sing; 46th ditto, subadar major Drab Khan; 47th ditto, subadar major Ramgoolam A. Jaihotree; 48th ditto, subadar major Ohope Tewary; 50th ditto, subadar major Shaikh Kadar Bux; 54th ditto, subadar major Myoo Sing; 57th ditto, subadar Hoola. Outhoo; 59th ditto, subadar major Shaikh Kadar Ali; 60th ditto, subadar major Mirza Hussain Uloo; 62d ditto, subadar Rutton Sing; 63d ditto, subadar major Sadou Khan; 64th ditto, subadar major Sowdeca Sing; 65th ditto, subadar Muneoo Takoor; 70th ditto, subadar Shalick Khan Mahomed; 73d ditto, subadar Adhooen Pandey; 3d local horse, reissalar Mirza Fazil Beg; 3d ditto, reissalar Ohoison Mahomed Khan; 5th Reissalar Mupoon Ali Khan.

W. CASEMENT, M. G.

Sec. to the Govt of India

Milg Dept with the Rt. Hon. the Govr. Genl.

## BY THE COMMANDER IN CHIEF.

*Head-quarters, Simla, 17th May 1838.*—The Benares division order of the 26th ultimo, despatching all reports of the division to be made to Colonel J. Abbot, & Her Majesty's 44th Foot, consequent on the demise of major general G. Bower, &c. is confirmed.

Drummer Charles Allen, of the 48th, is transferred to the 12th regiment of native infantry, and directed to be sent to Jala.

The undermentioned officers have leave of absence:

60th regiment native infantry.—Captain G. Cox, from 3d January to 3d July, to visit Hussainabad, on private affairs.

60th regiment native infantry.—Captain D. Sheriff, from 20th February to 29th August, to remain at the presidency, on medical certificate.

*Head-quarters, Simla, 16th May, 1838.*—Lieutenant S. J. Saunders, of the 41st regiment native infantry, and Ensign F. B. Bosanquet, of the 19th native infantry, are appointed to do duty with the Hurlihar light infantry battalion.

Ensign Henry Nicoll, of the 47th regiment native infantry, is appointed to do duty with the Ramghur light infantry battalion.

Hospital apprentice J. B. Manly, is discharged from the service, at his own request.

The following individuals are appointed hospital apprentices, to fill existing vacancies in the subordinate medical department, and directed to report themselves within two months from this date, to the nearest superintending surgeon:

John Barker, James Price, William Jonson, Henry Cascelles, R. Simon, George Matthews, William John Gash, George William Hayward, John Hopper, Joseph Passos, George Cawood, John Richard Higgins, Peter Paribly Blancy, and John Tierney.

After these youths shall have served six months in any European hospital, special reports of their talents and acquirements are to be made to head quarters by the superintending surgeons of the divisions in which they may be employed; and should it appear that any of them are not likely to become efficient subordinate medical attendants, such individuals as may be so considered will either be discharged the service, or disposed of as His Excellency the Commander-in-Chief may hereafter determine.

This is to be distinctly explained to the apprentices on their joining an hospital.

*Head quarters, Simla, May 21, 1838.*—The Benares division order of the 8th instant, directing assistant Apothecary W. O. Carrison, attached to the artillery hospital at Benares, to join and do duty with Her Majesty's 45th regiment, is confirmed.

The Cawnpore division order of the 11th instant, directing gunner Elias Lovegrove, of the 4th company 5th battalion of artillery, to proceed to Allahabad, for the purpose of being employed as a labourer, is confirmed.

The leave of absence granted to Ensign A. Campbell, of the 58th regiment native infantry, in general orders of the 4th instant, is cancelled at his request.

The undermentioned officers have leave of absence:

3d regiment light cavalry.—Lieutenant colonel A. Warde, from 15th May to 1st January 1839, to visit the hills, north of Deyrah, of medical certificate.

25th regiment native infantry.—Captain J. D. Kennedy, from 25th June to 1st November, to visit Cawnpore, on private affairs.

34th regiment native infantry.—Ensign C. H. Waka, from 2d July to 31st January 1839, to visit Allahabad and the presidency preparatory to applying for furlough.

5th regiment native infantry.—Lieutenant S. Nation, from 1st July to 30th October, to visit Agra, on private affairs.

Right wing European regiment.—Lieutenant colonel W. O. Mackenzie, from 6th May to 6th June, in extension, to remain at the presidency, on medical certificate.

By order of His Excellency the Commander-in-Chief.

*Head quarters, Simla, 23d May 1838.*—The following removals and postings will take place in the regiment of artillery:

Colonel J. F. Boleau, (new promotion) to the 3d brigade horse artillery.

Lieutenant Colonel G. Everett, (new promotion, and on staff employ) to the 3d brigade horse artillery.

Major T. Timbrell, (new promotion, and on staff employ) to the 7th battalion.

Captain R. Roberts, (on furlough) from the 4th company 3d battalion to the 6th troop 2d brigade horse artillery.

Captain H. P. Hughes, (on leave to the Cape) from the 1st company 4th battalion to the 1st company 1st battalion.

Captain E. F. Day, from the 1st company 1st battalion to the 3d company 3d battalion.

Captain F. Brind, (new promotion) to the 1st company 4th battalion.

1st Lieutenant J. Abbot, (on staff employ) from the 3d company 1st battalion to the 4th company 2d battalion.

1st Lieutenant E. Buckle, (on staff employ) from the 1st troop 1st brigade horse artillery to the 2d company 2d battalion.

1st Lieutenant K. J. White, (on furlough) from the 3d company 1st battalion to the 3d company 7th battalion.

1st Lieutenant W. K. Warner, (new promotion) to the 1st company 6th battalion.

1st Lieutenant C. Steward, (new promotion) to the 1st troop 1st brigade horse artillery.

1st Lieutenant C. Houston (new promotion) to the 4th company 7th battalion.

2d Lieutenant T. J. W. Hungerford, (on furlough) from the 3d company 7th battalion to the 3d company 1st battalion.

2d Lieutenant J. Elliot, (brought on the effective strength) to the 1st company 4th battalion.

2d Lieutenant J. Mill, (brought on effective strength) to the 1st company 1st battalion.

2d Lieutenant H. Lewis (brought on the strength) to the 4th company 1st battalion.

Ensign T. E. Ogilvie is, at his own request, transferred from the 26th to the 15th regiment native infantry, as junior of his rank.

*Head-quarters, Simla, 22d May, 1838.*—The Agra garrison and station order of the 12th instant, placing the services of hospital apprentice William Henry Johnston, doing duty in the artillery hospital, at the disposal of the civil surgeon at Agra, in the room of hospital apprentice E. Enor, is confirmed.

Bombardier John Hugh O'Neil, of the 2d company 3d battalion of artillery, is promoted to sergeant, and transferred to the town majors list, for the purpose of filling an existing vacancy in the non-commissioned staff of the garrison of Fort Williams.

By order of His Excellency the Commander-in-Chief.

*Head-quarters, Simla, 24th May, 1838.*—The Hauli Station order of the 15th instant, appointing Ensign F. B. Bosanquet to act as station staff, during the absence, on leave, of Lieutenant Colobrooke, or until further orders, is confirmed.

The undermentioned officers have leave of absence:

5th regiment native infantry.—Lieutenant R. Dwyer, from 1st June to 1st September, to visit Calcutta, on private affairs.

70th regiment native infantry.—Lieut. and brevet captain E. J. Betts, from 1st May to 1st June, to remain at Cherra Poonjee, on medical certificate.

Subordinate medical department.—Hospital steward W. Priestley, H. M. 49th foot, from 1st June to 30th September, to proceed on the river.

Head-quarters, Simla, 30th May.—The presidency division order of the 10th instant, appointing Ensign B. Hutchinson, recently admitted to the service, to do duty with the 15th regiment native infantry at Barrackpore, is confirmed.

The Agra garrison and station order dated the 26th March last, directing the provision of two extra doolies, with b'ares, for the removal to their respective hospitals, of men on duty in the fort, who may be attacked with cholera, is confirmed.

Assistant surgeon J. A. Blair, at present doing duty with the troops in Arracan, is posted to the Arracan local battalion, of which he will receive medical charge.

Sergeants Henry Read, of the 1st company 5th battalion and Thomas Wallace, of the 4th company 3d battalion of artillery, are transferred to the town major's list, and appointed quarter master serjeants, the former to the 5th regiment of native infantry at Secrolo, Benares, vice Dalton transferred to the Nussoree battalion, and the latter to the 4th regiment of native infantry at Dehli, vice Murphy appointed sergeant major to the 25th regiment.

Sergeant James Hunt, of the European regiment, is transferred to the town major's list, and appointed quarter-master serjeant to the 5th regiment of native infantry at Dinapore, vice Mahoe appointed sergeant major to the 5th native infantry.

By order of His Excellency the Commander-in-Chief.

Head-quarters, Simla, 26th May 1838.—1st Lieutenant F. A. Miles, interpreter and quarter master to the 7th battalion of artillery, is removed in that situation to the 5th battalion vice Mowat promoted.

1st Lieutenant J. H. Campbell, of the 1st company 3d battalion, is appointed interpreter and quarter master to the 7th battalion, vice Miles removed to the 5th battalion.

Lieutenant Miles will continue with the 7th battalion, until relieved by Lieutenant Campbell.

1st Lieutenant A. M. Spriggs, of the artillery, now doing duty with the Assam light infantry battalion, is permitted, at his own request, to rejoin his regiment.

Assistant surgeon Henry Taylor is posted to the 33d regiment native infantry at Jubbalpore, and directed to join.

The permission granted in general orders of the 5th March last, to commander R. Sault, of the invalid pension establishment, to reside and draw his stipend at Agra, is cancelled at his request.

Drum-major George Elyan, of the pension establishment, is, with the sanction of Government, transferred to the veteran company at Chunar, on his present pay and allowances.

The undermentioned officers have leave of absence:

61st regiment native infantry.—Major J. Trelawny, from 25th June to 30th October, to visit the presidency, on private affairs.

70th regiment native infantry.—Lieut. C. L. Edwards, doing duty with the Arracan local battalion, from 8th March to 8th June, on medical certificate, to visit the presidency.

By order of His Excellency the Commander-in-Chief, Head-quarters, Simla, 30th May, 1838.—His Excellency the Commander-in-Chief is pleased to make the following promotions and postings of field officers:

Lieutenant-colonel H. L. White, on furlough, from the 36th to the 67th regiment of native infantry.

Lieutenant-colonel W. G. Mackenzie, proceeding on furlough from the right wing European regiment to the 66th regiment of native infantry.

Lieutenant-colonel R. Chalmers, from the 67th to the right wing of the European regiment.

The under mentioned officers have leave of absence:

55th regiment native infantry.—Ensign G. H. Jenkins, from 20th May to 30th November, to proceed to Mussoorie, on medical certificate.

66th regiment native infantry.—Ensign A. B. Fenwick, from 9th December 1837 to 7th June, to remain at the presidency, on medical certificate.

Head-quarters, Simla, 31st May, 1838.—The Agra garrison and station order of the 18th instant, appointing corporal A. Blakeley of the European regiment, to act as church clerk, during the absence of serjeant Rivett, is confirmed.

Ensign W. E. Mulcaster, of the 39th, is, at his own request, removed to the 64th regiment native infantry, as junior of his rank. The undermentioned officers have leave of absence.

30th regiment native infantry.—Captain T. McSherry, from 1st June to 15th November, to visit Nussoree, on private affairs.

64th regiment native infantry.—Captain W. T. Savary, from 15th May to 15th November, on medical certificate, to visit the presidency, preparatory to submitting an application for leave to proceed to sea.

By order of His Excellency the Commander-in-Chief, Head-quarters, Simla, 1st June, 1838.—Assistant Surgeon J. J. Boswell, on furlough, is removed from the 2d to the 2d regiment of native infantry.

Assistant Surgeon T. W. Wilson, M.D., who was placed at the disposal of the Commander-in-Chief, in Government general orders, No. 71, of the 14th ultimo, is posted to the 2d regiment of native infantry at Decca.

Head-quarters, Simla, 3d June, 1838.—The presidency division order of the 10th ultimo, directing the undermentioned En-

signs, lately admitted into the service, to join and to duty with the corps specified opposite their names, is confirmed:

Ensign G. E. Ford, with the 58th regiment native infantry, at Barrackpore.

Ensign F. T. Patterson, with the 66th regiment native infantry, at Barrackpore.

Ensign C. S. Reynolds, with the 65th regiment native infantry, at Barrackpore.

Ensign R. B. Mainwaring, with the 16th regiment native infantry, at Secrolo, Benares.

Ensign H. J. Edwards, with the 15th regiment native infantry, at Barrackpore.

Ensign J. F. Caulfield, with the 56th regiment native infantry, at Barrackpore.

The undermentioned officer has leave of absence:

3d local horse.—Captain G. A. Barber, 7d in command, from 30th November 1837 to 4th December 1837, in extension, to enable him to join.

By order of His Excellency the Commander-in-Chief, Head-quarters, Simla, 5th June, 1838.—The following removal and postings will take place in the regiment of artillery:

1st Lieutenant M. P. Master, from the 1st company 2d battalion to the 2d company 1st battalion.

1st Lieutenant K. J. White, (on furlough) from the 3d company 7th battalion to the 4th company 4th battalion.

1st Lieutenant T. Smith, from the 4th company 4th battalion to the 1st company 2d battalion.

Major J. Barclay, of the invalid establishment, is permitted to reside in the hills north of Dehra, and to draw his pay and allowances from the Meerut pay office.

The leave of absence granted in general orders of the 5th ultimo, to Lieutenant G. Peit, interpreter and quarter master of the 3d regiment of native infantry, is cancelled at his request.

Assistant Surgeon W. J. Leach, now doing duty with the 4th regiment of native infantry, is directed to proceed to Allahabad, and to afford medical aid to the 68th regiment of native infantry.

By order of His Excellency the Commander-in-Chief, Head-quarters, Simla, 5th June 1838.—Whenever a vacancy occurs of a native officer (whether of the effective branch of the service, or on the invalid establishment), holding rank in either the 1st or 2d class of the order of British India, the same is to be immediately reported to the adjutant general of the army, for the information of His Excellency the Commander-in-Chief.

His Excellency the Commander-in-Chief is pleased to make the following appointments:

5th regiment light cavalry.—Lieutenant George Murray, to be adjutant, vice Moore, who is permitted to resign the appointment.

The general orders of the 14th ultimo, appointing Ensign B. Nichol, of the 66th regiment native infantry, to do duty with the Ramghur light infantry battalion, is cancelled at his request.

The undermentioned officer has leave of absence:

3d company 2d battalion artillery.—2d Lieutenant T. Brougham, from 1st June to 1st November, to proceed to the hills, north of Dehra, on medical certificate.

By order of His Excellency the Commander-in-Chief, J. M. LUMLEY, Major General, Adjutant General of the Army.

# GENERAL ORDERS TO THE QUEEN'S TROOPS.

Head-quarters, Simla, 17th May, 1838.—No. 128.—Her Majesty has been pleased to make the following promotions and appointments in the regiments serving in India.

39th Foot.—Captain Horatio Walpole to be Major, by purchase vice Smyth, who retires, 17th November, 1837.

Lieutenant Robert Spencer Boland to be captain by purchase vice Walpole, 17th November, 1837.

Cancels his promotion Ensign Edward Croker to be lieutenant, by purchase, vice Boland, 17th November 1837.

George Kinley, sent to be ensign, by purchase, vice Croker 17th November, 1837.

44th Foot.—Ensign Robert Stuart to be Lieutenant, without purchase, vice Halford deceased, 11th June, 1837.

Ensign Augustus Hallifax Ferryman, to be Lieutenant, without purchase, vice Halford appointed to the 3d light dragoons, 20th June, 1837.

Gentleman cadet, Henry Odolet, from the Royal Military College, to be ensign, vice Ferryman, 28th November, 1837.

57th Foot.—Gentleman cadet John Ahmaty, from the Royal Military College, to be ensign, without purchase, vice Morgan deceased, 17th November, 1837.

62d Foot.—Lieutenant Valentine Langwood Lower to be captain, by purchase, vice Gwynne, who retires, 28th November 1837.

Cancels his promotion Ensign John Grant to be lieutenant, by purchase, vice Lower, 28th November 1837.

Charles Young, sent to be ensign, by purchase, vice Grant, 28th November 1837.

The commander-in-chief has been pleased to make the following promotions until Her Majesty's pleasure shall be known:

62d foot.—Ensign Arthur M. Herbert to be lieutenant, without purchase, vice Buchanan promoted, 15th May 1838.



The leave of absence granted to assistant surgeon Grant, 4th light dragoons, to proceed to England, for 2 years from date of embarkation, on medical certificate, is confirmed.

The appointment by His Excellency lieutenant-general Sir P. Maitland, K. C. B., of assistant surgeon Morgan, 56th regiment, to the medical charge of the 57th, during the absence of surgeon Macdonnell, on medical certificate, is confirmed.

The appointment of lieutenant I. R. Nacrate, 55th regiment, to act as adjutant to that corps, from the 5th June 1837 to the 15th March 1837, is confirmed.

The undermentioned officers have leave of absence:

13th light dragoons.—Major Long, in extension, from 1st December 1837 to the 27d April 1837.

3d foot.—Captain G. L. Christie, from 5th May to 19th November, to Simla, on medical certificate.

By Order of the Commander in Chief,

*Head quarters, Simla, 24th May 1838.*—No. 129.—His Excellency the Commander in Chief is pleased to direct the publication of the following letter from the Adjutant General. Horse Guards, together with the copy of the 5th Clause of the Act of Victoria the 1st, Cap. 90th, therein referred to:

*(Continued.)*  
*Horse Guards, 16th December, 1837.*

Sir,—I have the honor, by desire of the general commanding in chief to transmit to you a copy of the 5th Clause of the Act 1st Victoria, Cap. 90, from which it will be perceived it is enacted, "That from and after the commencement of the act it shall not be lawful for any court to direct that any offender shall be kept in solitary confinement for any longer periods than one month at a time, or than three months in the space of one year."

Although the proceedings of Courts Martial do not appear to have been intended to be included within any of the provisions of the act in question, yet as the sense of the legislature has been expressed, in the 5th Clause, as to the extent to which solitary confinement may safely be carried, and the manner in which it should be restricted, I am now to signify to you His Lordship's desire, that Courts Martial in future, in any sentence in which solitary confinement is included, shall conform to the limitations in that respect laid down by the clause aforementioned.

I have, &c.

(Signed) JOHN MACDONALD,  
Adjutant General.

*5th clause of the Act 1st Victoria, Cap. 90.*

"And whereas by the laws now in force it is lawful for the court before whom any person shall be convicted of certain offences for which imprisonment or imprisonment with hard labour may be awarded, to direct, that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to such court in its discretion should seem meet, it is hereby enacted, that from and after the commencement of this act it shall not be lawful for any court to direct that any offender shall be kept in solitary confinement for any longer periods than one month at a time, or than three months in the space of one year."

The leave of absence granted by major general Sir Willoughby Cotton, G. C. B. & K. O. H., to captain L'Estrange, 44th foot, to proceed to England, for 2 years from date of embarkation, on medical certificate is confirmed.

The leave of absence granted by His Excellency lieutenant general Sir P. Maitland, K. C. B., to the following officers, are confirmed:

13th light dragoons.—Coronet H. Hamilton, to England, for 18 months from date of embarkation, on private affairs.

56th foot.—Lieutenant S. B. Lamb, from 20th May to 20th September next, to Bengal on private affairs.

Lieutenant J. S. Shortt, 4th foot, has leave to proceed to England, for 2 years from date of embarkation, on private affairs.

*Head quarters, Simla, 22th May, 1838.*—No. 130.—His Majesty has been pleased to make the following promotions and appointments in the regiments serving in India:

13th light dragoons.—Lieutenant Denis Hansen, from the 17th light dragoons, to be lieutenant, vice Burdett, who exchanges, 24th December, 1837.

24 foot.—Lieutenant Robert Manners Sparks, from the Cape mounted riflemen, to be lieutenant, vice Peckall, who exchanges, 26th December, 1837.

9th foot.—Robert Worthall, gent., to be assistant surgeon, vice Griffin deceased, 29th December, 1837.

17th foot.—Lieutenant John Brady, from the 22d regiment of foot, to be lieutenant, vice Kelly, who exchanges, 6th December, 1837.

*Cancels the promotion* 29th foot.—Ensign John Fitz of *Ensign Order to this* Roy Dalrymple to be lieutenant, vacancy, and that of Ensign by purchase, vice Leslie, who resigns Simla, vice D. Werge, gent., 6th December, 1837.

William Morcos Lockhart, gent., to be Ensign, by purchase, vice Dalrymple, 8th December, 1837.

Centenarian colonel Thomas Sergeant Little, from the Royal Military College, to be Ensign, without purchase, vice Lockhart appointed to 74th foot, 9th Dec: 1837.

46th Foot.—Lieutenant John Willock, from the 45th regiment of foot, to be lieutenant, vice Stanley appointed to the 19th regiment of foot, 6th December, 1837.

63d Foot.—Major Sir Edmund Sanderson Frideaux, Bart. from the half-pay, unattached, to be major, vice D'Aicy Wentworth, who exchanges, at December, 1837.

Captain Arthur Conliffe Pole, to be major, by purchase, vice Frideaux, who retires, 1st December, 1837.

Lieutenant Joseph Samuel Adamson to be captain, by purchase, vice Pole, 1st December, 1837.

*Cancels the promotion*, Ensign Gustavus Nicolle Harrison, vice Fairbrough, deceased, to be lieutenant, by purchase, vice Adamson, 1st December, 1837.

William Frederick Carter, gent. to be Ensign, by purchase, vice Harrison, 1st December, 1837.

The Commander in Chief has been pleased to make the following promotion until Her Majesty's pleasure shall be known:

64th Foot.—Ensign E. Coker to be lieutenant, by purchase, vice Werge promoted, 22d May, 1838.

His Excellency the Commander in Chief has been pleased to promote the undermentioned officer to the rank of captain, by brevet, in the East Indies only:

4th Foot.—Lieutenant Thomas Gibson, from the 10th May, 1838.

By order of the Commander in Chief,

*Head quarters, Simla, 21st May, 1838.*—No. 131.—Surgeon White, 16th lancers, having reported his return from Madras to Calcutta, will proceed to Madras, by dawk, and on his arrival will assume the medical charge of the regiment.

The division order by major general Sir W. Cotton, G. C. B. & K. O. H., dated the 13th May, adding the name of Lieutenant Barnes, 3d light dragoons, to the detachment of that corps, which embarked from Calcutta for the upper provinces, on the 14th February last, under the command of Lieutenant Hadfield, is confirmed.

The appointment, on the 10th January, 1837, by captain O'Neill, 44th regiment, commanding a detachment of that corps, of sergeant Brien to act as sergeant major, and of sergeant Duran, to act as quartermaster sergeant to the same, during its progress from Calcutta to Gazeepore, is confirmed.

The leave of absence granted to captain Moldrum, 3d foot, to proceed to England, for 2 years from date of embarkation, on medical certificate, is confirmed.

The leaves of absence granted by His Excellency lieutenant general Sir P. Maitland, K. C. B., to the following officers, are confirmed:

55th foot.—Captain G. B. Daubeney, to England, for 2 years from date of embarkation, on medical certificate.

Ditto.—Captain A. Sharpin, ditto ditto.

The undermentioned officer has leave of absence:

16th lancers.—Coronet H. D. Sweetnam, from 23d May to the 19th November next, to proceed to Landour, on medical certificate.

R. TORRENS, Maj. Genl.  
Adj. Genl. to Her Majesty's Forces, in India.

*Head quarters Simla, June 4, 1838.*—No. 183.—At a general court-martial held in Fort William on Monday the 2d day of April, 1838, Private John Mealy, No. 767, Her Majesty's 9th regiment of foot, was arraigned on the following charges:

*Charges.*—"1st With having been drunk and out of barrack after hours, at Chinsurah on or about the night of the 21st March '38, this being the eleventh instance of drunkenness within six months, after a conviction for habitual drunkenness, had, at Chinsurah, on the 30th of October 1837,—viz. on the 27th December 1837, 1st January, 7th January, 11th January, 21st January, 11th February, 18th February, 19th February, 25th February, 10th March 1838, and the present instance, and thereby constituting another act of habitual drunkenness.

"2d—With malicious and insubordinate conduct, about ten o'clock on the morning of the 27d March 1838, when leaving the orderly room after the case of drunkenness denied in first charge, had been investigated by the commanding officer, in having struck with his clenched fist, No. 573, Sergeant Maurice Fitzgerald, Her Majesty's 9th regiment, his superior officer, a violent blow on the head which knocked him down.

Upon which charges the Court came to the following decision: *Finding*—"The court, upon the evidence before them, are of opinion, that the prisoner Private John Mealy, No 767, of Her Majesty's 9th regiment of foot, is guilty of two charges preferred against him.

*Sentence.*—"The court sentence the prisoner Private John Mealy, No. 767, Her Majesty's 9th regiment of foot, to be transported, as a felon, for the term of his natural life."

Disapproved.

The court are required to revise their finding and sentence because they are illegal, as found under the 70th article of war, as intimated by the decision of the court, noted on the proceedings. The offence of the prisoner comes under the 70th article.

(Signed) H. PARR, General,  
Commanding in Chief, East Indies.

21st April 1838.

# GENERAL REGISTER.

**Revised Finding.**—"With much deference to the opinion of the Commander-in-Chief, the court beg to observe, with regard to their finding, that it appears, the prisoner broke from his escort violently struck his superior officer, Sergeant Fitzgerald, threatening, that he would take his life;" and declaring, that the sergeant was 'the whole cause of his being in so much trouble.' The act, therefore, in the opinion of the court was one of extreme insubordination directed against Sergeant Fitzgerald, intentionally in his capacity of the prisoner's superior officer, whose vigilance on duty had caused him annoyance, and it appears to the court to bear a highly malicious tendency, short only of the actual offence of mutiny by the circumstance of the sergeant not having been on duty at the time. The court therefore respectfully adhere to their finding.

**Revised sentence.**—"Under the decision given by His Excellency the Commander-in-Chief, that the offence of the prisoner comes under the 70th article of war, the court cancel their former sentence, and do now sentence the prisoner Private John Mealy, No. 787, of Her Majesty's 9th regiment of Foot, to suffer solitary imprisonment for twelve (12) calendar months, in such place as His Excellency the Commander-in-Chief may be pleased to direct; and to be deprived of one penny a day of his pay for two

years, over and above any former forfeitures of liquor money, or of pay, which the prisoner is now undergoing, provided that the total forfeitures not exceed the amount of three pence per diem."

Confirmed,  
(Signed) H. FANF, General,  
Commander-in-Chief, East Indies.

30th May 1836.

**REMARKS BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF.**  
I entirely agree with the court in their opinion as to the serious nature of the prisoner's offence, and as to the punishment he deserves, and I would gladly have approved the first sentence passed had it been legal.

I cannot assent to the distinction the court desire to draw between mutiny and mutinous conduct, and therefore I am of opinion, that the court has erred in adhering to its original finding.

(Signed) H. F.  
By order of the Commander-in-Chief,  
R. TORRENS, Major Genl.  
Adjt Genl. to Her Majesty's Forces in India.

## SHIPPING INTELLIGENCE.

### ARRIVALS AT KEDGEREE.

May 26th.—English barque *Victoria*, H. M. Potter, from Rangoon 4th May.  
27th.—English brig *Moulmein*, R. J. Morris, from Moulmein 6th May.

30th.—English barque *Bengal Packet*, J. M. Steward, from China 1st and Singapore 24th April.

31st.—English barque *Brainiac*, Clark, from Moulmein 20th May.

June 1st.—English ship *Imogen*, Geo. Riley, from Liverpool 27th January; English ship *Antonio Perelra*, W. Christie, from China 5th April and Singapore 11th May; English ship *Nestor*, W. J. Ferris, from Moulmein 20th May; English barque *Syph*, Thos. Viall, from China 14th April and Singapore 12th May; English ship *Ann Lockery*, J. Burt, from Liverpool 22nd December; English barque *Annuadchunder*, O. S. Jones, from Moulmein 10th May.

June 2d.—English barque *Stalkart*, Jellicoe, from Moulmein 13th May; American ship *Carthage*, A. Perry, from Boston 23d Feb. 3d.—English barque *Rosalind*, Little, from Liverpool 13th January; French brig *Mappe Monde*, Bondias, from Nantes 4th December and Bourbon 23d April.

4th.—English barque *Falcon*, D. Anstruther, from Glasgow 31st January.

6th.—English ship *Ernaud*, J. Hill, from Judda 13th April and Mocha 6th May; English brig *Diadem*, J. Walker, from Tutuaria 12th and Colombo 24th May; American ship *Gentoo*, L. G. Hollis, from Boston 24th January.

8th.—English ship *Mermaid*, J. Roche, from Rangoon 30th May.

9th.—English brig *Sarah*, J. Lyster, from Rangoon 13th May; English barque *Dorothy Gales*, G. Moore, from the Mauritius 11th May.

16th.—H. M. ship *Rattlesnake*, Capt. Hobson, from Madras 3d June; English barque *Seymour*, G. J. Dare, from the Mauritius 17th May.

11th.—English brig *Mary Mallaby*, J. Grey, from the Mauritius 16th May.

13th.—English brig *Samuel Baker*, R. Wild, from the Mauritius 11th May; English ship *Lord Auckland*, J. Willie, from the Mauritius 12th May, and Madras 7th June.

16th.—English barque *Clyde*, J. Korr, from the Cape of Good Hope 27th April; H. C. ship *Amherst*, B. Jump, from Bombay 7th May, and Madras 1st June.

16th.—English barque *Iri*, H. Ludlow, from Liverpool 6th February; H. C. steamer *Ganges*, J. M. Dicey, from Moulmein 2d June.

18th.—English barque *Lysander*, W. Currie, from London 25th February.

19th.—English ship *Tamerslane*, D. McKensie, from London 9th March; English barque *Janet*, P. H. Holmes, from Penang 8th May, and Acehene 1st June; English barque *Addingham*, J. Sedgwick, from Madras 11th June; English barque *Standard*, J. Fells, from Demerara 6th February; English barque *Verginie*, C. Whiffen, from Ganjam 3d February.

20th.—English barque *Callardson*, J. Rapson, from Sydney 30th April; English barque *Haidie*, A. Symers, from the Mauritius 13th May, Pondicherry (no date) and Madras 13th June; English brig *Cowley*, A. S. Smith, from Liverpool 25th February; English ship *Esther*, J. Pickering, from Liverpool 24th February.

21st.—English ship *Bombay*, G. Waugh, from Amherst 17th May.

22d.—English barque *John Panter*, J. Elsdon, from the Mauritius 26th May; English ship *Herefordshire*, H. S. H. Isaacson, from Madras 17th and Ganjam 20th June; English brig *Liverpool*, E. Row, from Liverpool 6th February.

June 26th.—The English barque *Ariadne*, Geo. McLeod, from Greenock 23d March, the English ship *Abberdon*, H. Shuttleworth, from London 17th Feb., Cape of Good Hope 13th May, and Madras 21st June; the English brig *Anna*, McGowan, from China 14th May; the English brig *Mary Eliza*, R. Patterson, from Mauritius 24th May; the English schooner *Margaret*, D. Tapley, from Rangoon 4th June; and the English schooner *Tom Thumb*, J. McGill, from Penang 6th June.

26th.—English ship *Upton Castle*, S. Williams, from Sydney 18th April and Madras 21st June; English barque *Augustina*, W. Perry, from Newcastle 23d December, Cape of Good Hope 30th April, Mauritius 23d May, and Madras 21st June.

28th.—English ship *Patriot Queen*, W. Hoodless, from Liverpool 24th March.

29th.—English brigantine *Lynker*, H. Brower, from London 10th January and Mauritius 1st June.

*John Panter* arrived off Calcutta on the 23d; *Esther* on the 25th, *Ann*, *Mary Ellen*, and *Liverpool* on the 26th; and *Novella Louise* on the 29th June.—*Burang* arrived off Cooley Bazar on the 25th ditto.

### ARRIVALS OF PASSENGERS.

The *Mattabangah*, in tow of the *Thames* steamer, arrived from Allahabad on Sunday with the following passengers, from *Mirsapore*: E. Stirling Esq.—From *Shanghaipore*: Miss Heyward.

The *Rhoguratty* in tow of the steamer *Lord William Bentinck*, arrived from Allahabad on Wednesday evening, with the following passengers, viz.

From *Mirsapore*: H. T. Stewart, Esq.  
From *Benares*: Lieut. Richardson.  
From *Monghyr*: W. R. Young, Esq., C. S.  
From *Saeboore*: Mrs. Steer and 3 children.  
Per *Ganges*: Mrs. Johnston; Capt. Johnston and Welshman; Capt. Robertson, M. army.  
Per *Imogen*, from *Liverpool*: Mr. Henry, cadet; Ensign H. M. 44th regt.

Per ship *Neptune*: Charles Moore, from Hobart Town.  
Per *Antonio Perelra*: A. Laughois.  
Per *Syph*, from *Singapore*: Mrs. Francis, son and child; Mrs. Viall, and Mr. Styant, mariner.  
Per *Annuadchunder*: Mr. C. B. McCubber, merchant.  
Per *Stalkart*: Lieuts. R. Gibson, F. E. Scobele, and J. Orith, H. M. 63d regiment.

Per *Krishna*, from *Arracan*: Captain Burney; Lieuts. Rainford, Abbot, and Kaye; Master McLean; Mrs. Keelan, steerage passenger; Corporal Hay; 3 subedars and 6 sepoy.

Per *Mermaid*: Mrs. Roobe.

Per *Lysander*, from *England*: Lieut. Cumberland and Lady; Mr. Alexander Geo. Coles; Messrs. W. L. M. Bishop and William Fraser, cadets; Mr. James Graham.

Per *Tamerslane*: Robert Campbell and Robert C. Stevenson, cadets.

Per barque *Janet*: Mrs. Gregory; Mrs. Holmes and child; Major W. Gregory, 6th regt. B. N. I.; M. McLeod, Esq., free merchant; Master J. H. Davis; Mary and John Yates, children.

Per barque *Addingham*: Mr. Audbert and Mr. G. P. Lambert from Madras.  
Per *Herefordshire*, from *Nadras*: Mrs. Isaacson; Miss Conway; Chas. C. Hyde, Alexander Grant, and James H. Young, Esqs. civil service, and Mr. Brown.

## GENERAL REGISTER.

*Per Liverpool* P. S. McLeod, Esq., merchant.  
*Per Bombay*: Mrs. Waugh.  
*Per Abberton, from London*: Mrs. Shuttleworth and child;  
 Mr. C. Marnell, solicitor; Mr. Edward Stone, merchant; Mr.  
 Edward Boulton, assist. surgeon H. E. I. C. S.; Mr. G. M. Brodie  
 radi, ditto; Mr. W. T. Low; Mr. Thos. Blackace, H. E. I. C.  
 L.; Mr. George McWhirter, steerage passenger.  
*Per Tom Thumb, from Penang*: Mr. P. A. Peterson, clerk.  
 The *Soorma*, in tow of the *Magna* steamer, arrived from  
 Allahabad on Friday, with the following passengers:  
 J. Trotter, Esq.; Mr. and Mrs. Dickens and Child; Mrs. E.  
 Ryan and Child; Brigadier and Mrs. Lindsay; Colonel Taile;  
 and Mr. Davidson.

### DEPARTURES FROM CALCUTTA.

May 26th.—*Washington*, L. F. Thurber, for Philadelphia;  
*Enigma*, D. R. Glass, for Boston.  
 27th.—*New Grove*, W. Johnstone, for London; *Favourite*, Ro-  
 bertson, for Madras.  
 29th.—*William Gray*, W. Bartoll, for Boston; *John Hepburne*,  
 B. Robertson, for Moumelin and Rangoon.  
 30th.—*Barrong*, R. Gordon, for Moumelin.  
 June 1st.—*Gasper*, N. Pool, for Boston; *English schooner*  
*Attaras*, H. Jackson, for Singapore and China.  
 4th.—*Indian Cak*, R. Rayne, for Mauritius.  
 6th.—*Thalia*, W. Graham, for Liverpool.  
 7th.—*Margaret Connal*, D. Morris, for Greenock.  
 15th.—*Antonio Percira*, W. T. Christie, for China; *Water-*  
*loo*, John Cow, for London.  
 June 16th.—*Umba*, A. Gray, for the Mauritius.  
 17th.—*Victory*, W. B. Blakely, for Liverpool.  
 19th.—*Maas*, M. Velthoven, and *Cheridon Packet*, C. Kemp,  
 for Batavia.

21st.—*Searle You*, R. S. Meron, for China; *Justina*, C. C.  
 Young, for London.  
 June 25.—The English ship *Ernaad*, J. Hill, for Bombay; and  
 the English brig *Elizabeth*, Starling, for Swan river.  
 27th.—*Mary and Susan*, W. F. Parrott, for Boston.  
 29th.—*Mapps Monde*, Boridas, for Bourbon.

### DEPARTURES OF PASSENGERS.

The *Soorma*, in tow of the *Magna* steamer, left for Alla-  
 habad on the 28th instant, with the following passengers, viz.  
 for *Allahabad*: Colonel and Mr. Cheape; Miss Flowden and Mr.  
 Young.—For *Benares*: Miss Deane; two children and Ensign  
 Mainwaring.—For *Ghazepore*: Miss Young, and Mr. and Mrs.  
 Vicary.  
*Per Marg Ann Webb, for Singapore and China*: Ensign  
 Beggs, Madras N. I. and Okford, Esq. merchant.  
*Per Hanna, for Bombay*: Mrs. Frazer; Lieutenants Shakes-  
 peare and Smith.  
*Per Watrloo, from London*: Lieut. Col. Mackenzie; Lieuts  
 Scobell and Gibson, H. M. 62d.  
 The *Maitabanga* in tow of the *Jamna* steam vessel, left  
 Calcutta for Allahabad on Monday, with the following passengers,  
 viz. for *Allahabad*: Miss Wall, Captain and Mrs. Flyer,  
 Mr. G. Barnes, Ensign Bennett, Cornet Powell, Cornet Gwyane,  
 Mr. A. Roberts, and Mr. Oakes.—For *Mirzapore*: Captain R. C.  
 Johnson, 58th regiment N. I.—For *Benares*: Ensign Smallpage.—  
 For *Ghazepore*: Ensign Cadet.—For *Calcutta*: Mr. David-  
 son.—For *Berhampore*: Lieutenant McLeod.  
*Per Kyle, for London*: Mrs. Sewell and 2 children.  
*Per Larkins, for London*: Mrs. Briant; Miss Tucker; Capt.  
 McKinnon; Lieut. Briant, 68th N. I.;—Fraser, Esq.; J. Wis-  
 ser, Esq.; Ensign C. H. Walsh, 14th regt. N. I.; H. Maling,  
 Esq.—For the Cape: J. Stanforth, Esq., C. S.

## DOMESTIC OCCURRENCES.

### BIRTHS.

May 14. At Agra, the lady of J. D. D. Bean, Esq.  
 of twin daughters.  
 17. At Hussingabad, the lady of J. H. Chowne, Esq.  
 of the 66th regt. N. I. of a son.  
 — At Nusseerabad, the lady of Major Spens, 74th  
 N. I. of a daughter.  
 19. At Boolundshuhur, the lady of G. H. M. Alex-  
 ander, Esq. civil service, of a daughter.  
 20. At Cuttack, the lady of the late Mr. J. W.  
 Pritchard, assistant in the salt department, of a son.  
 — At Dinapore, the lady of Edward Lugard, Esq.,  
 Her Majesty's 31st regiment, of a daughter.  
 — At Allyghur, the lady of Captain F. Knyvett,  
 64th native infantry, of a son.  
 22. At Balasore, the lady of W. S. Dicken, Esq.,  
 civil surgeon, of a daughter.  
 — At Calcutta, the wife of Mr. R. Jacob, of a  
 daughter.  
 25. At Entally, the lady of Captain D. Sheriff, 48th  
 regiment native infantry, of a daughter.  
 27. At Calcutta, the wife of Mr. F. Lavellette, of a  
 daughter.  
 — At Calcutta in Middleton-Row, the lady of  
 Charles Lyall, Esq., of a daughter.  
 28. At Calcutta, Mrs. Rayne, of a daughter.  
 — At Purneah, Singhehsur Factory, the lady of  
 William Duff, Esq. of a daughter.  
 29. At Calcutta, the wife of Mr. J. Gash, assistant  
 to Cook and Co. of a daughter.  
 31. At Calcutta, the lady of A. A. Apcar, Esq.,  
 junior, of a son.  
 — At Calcutta, Mrs. W. P. Madge, of a son.  
 June 1. The lady of George Alexander Esq., civil  
 service, of a son.  
 2. At Calcutta in Chowringhee, the lady of W.  
 Linton, Esq., of a daughter.  
 3. Mrs. F. Dornieux, junior of a son.  
 — At Garden Reach, Mrs. James Low, of a  
 daughter.  
 — At Calcutta, Mrs. B. F. Harvey, of a son.  
 4. At Calcutta, Mrs. R. Wood, of a son.  
 5. At Hingolee, the lady of Major George Twem-

low, (captain, Bengal artillery) commanding Hin-  
 golee division, nizam's army, of a son.  
 7. At Monghyr, the wife of J. W. Caston, Esq.,  
 merchant, of a daughter.  
 9. At Serampore, the wife of Mr. N. J. Gantzer,  
 of a daughter.  
 — At Calcutta, the lady of the late H. F. King,  
 Esq. of a son, still-born.  
 — At Tirhoot, Shahpore, the lady of George Drum-  
 mond, Esq., of a daughter.  
 — At Calcutta in Chowringhee, the lady of E.  
 Macnaghten, Esq., of a daughter.  
 10. At Calcutta, Mrs. G. E. Rodgers, of a son.  
 11. At Calcutta in Chowringhee, the lady of James  
 Colquhoun, Esq., of a daughter.  
 12. At Bowring Factory, the lady of Geo. Rogers,  
 m. d., of a daughter.  
 14. At Calcutta, the lady of W. Trevor Taylor,  
 Esq. civil service, of a daughter.  
 18. At Calcutta, the wife of Mr. Samuel Webb, in  
 charge of the Governor General's stud, of a son.  
 20. At Patna, Mrs. M. Hinton, of a son.  
 21. At Chinsurah, the lady of the Rev. W. Morton,  
 of a daughter.  
 — At Kurnaul factory, Tirhoot, the lady of John  
 Howell, Esq., of a son.  
 22. At Rungpore, the lady of H. C. Metcalfe, Esq.,  
 C. S., of a son.  
 26. At Midnapore, the lady of T. C. Trotter, Esq.,  
 C. S. of a daughter.  
 27. At Garden Reach; the lady of W. F. Douron,  
 Esq. of a child, still-born.  
 30. At Calcutta, the wife of Serjeant John Tratt, of  
 the town-guard, of a daughter.

April 10. *Europe*.—At Dartford, the wife of Mr.  
 Tomas Place, superintending engineer, E. I. C. steam  
 department, Bengal, of a son.

### MARRIAGES.

Feb. 25. At Macao, John Smith, Esq., (late of  
 Calcutta) of the firm of Markwick and Smith, Canton,  
 to Miss Barrados.  
 April 17. At Malacca, by the Rev. Josiah Hughes,  
 assistant Apothecary Patrick Crumme, of the Madras-

medical establishment, to Miss Hannah Smith, only daughter of Mr. conductor John Smith, of the Bengal ordnance commissariat department.

May 14. At Mhow, in Malwa, Captain George Lawrenson, Bengal horse artillery, to Charlotte Bowen, niece of brigadier Herbert Bowen, commanding Malwa field force.

15. At Simla, at the house of General Sir Henry Fane, v. c. z. Commander-in-Chief, Captain Michel, nephew and aid-de-camp to his Excellency, and eldest son of General Michel, of Dulish in Dorsetshire, to Louisa Aone, only daughter of Major General Churchill, quarter master general of her Majesty's forces in India. The ceremony was performed by the Reverend C. Wimberley, chaplain to the Governor General, and was attended by Lord Auckland, the Misses Eden and the friends of the families.

17. At Cawnpore, the Rev. J. J. Carshore, a. n. of Trinity College, Dublin, to Hannah Maria, eldest daughter of the Rev. R. P. Brooke, a. a., officiating joint chaplain of that station.

23. At Calcutta, at the Cathedral, Captain Edward A. Cumberlege, of the 73d native infantry, to Charlotte, third daughter of the late Captain George Hunter, S. A. commissary general.

24. At Chandernagore, Monsieur F. Debois de Saran, to Mademoiselle Lise Perine Saubolle, daughter of Doctor Saubolle, of that place.

26. At Calcutta, license, at the Old Church, by the Rev. the Archdeacon, Mr. D. Wilson, to Mrs. Mary Mandy.

29. At Calcutta, at the Cathedral, by the Rev. H. Fisher, Lieut. T. C. H. Birch, 31st N. I. to Dorothy, youngest daughter of James Curtis, Esq., civil service.

— At Burdwan, James Thornhill Mellis, Esq., civil service, to Jane, youngest daughter of George Stedman, Esq., of Kinross, Scotland.

30. At Calcutta, at the Cathedral, by the Reverend H. Fisher, Mr. Conrad Christopher Rabehelm, unconnected assistant in the salt department, to Miss Louisa Duchosoin.

June 2. At Calcutta, at the Principal Roman Catholic Church, by the most Rev. Dr. Olliff, D. D., Mr. Richard Rebello, to Miss Mary Philippina Skinner, the only daughter of the late Wm. Skinner, Esq., officer in charge of the Hon'ble Company's powder magazine, at Moyapore.

2. At Mynpore Park, at the residence of Colonel Everest, surveyor general of India, Captain G. C. Smyth, 3d cavalry, to Miss Jane Ross.

4. At Calcutta, at the Cathedral, by licence, Capt. Joseph Grimwood, to Caroline, relict of the late Capt. Daniel Sterling.

— By the Rev. Mr. Charles, Edward Francis Barker, Esq., to Miss Hannah Lish.

— At Calcutta, at the Cathedral, by the Reverend H. Fisher, Mr. Joseph Jacob Grimwood, to Mrs. Caroline Sterling.

8. At Calcutta, St. James' Church, by the Reverend R. B. Boswell, Philip D'Ormeux von Sireng, Lieutenant H. M. 13th light infantry, to Mary Catherine, youngest daughter of the late Major General Carnegie, Bengal artillery.

11. At Calcutta, at the Circular Road Chapel, by special license, by the Reverend W. Yates, Mr. S. G. Wyatt, to Miss S. Gallagher.

14. At Calcutta, at the Cathedral, and afterwards at the Principal Roman Catholic Church, Charles C. Bruce, Esq., to Miss Louisa Du Bois de Jancigny.

— At Calcutta, at the Old Church, by the Venerable Archdeacon Deatry, William Clode Braddon, Esq., to Margaret Selina, eldest daughter of the late Capt. John Wogan Patton, Bengal native infantry.

15. At Calcutta, the Cathedral, Mr. R. W. Chew, to Miss L. S. Newton.

— At Dum-Dum, by the Rev. H. Hytton, a. n.

Lieut. Robert Walker, artillery, to Mary, the only surviving daughter of the late William Curling, Esq. of Sandwich, Kent.

16. At Calcutta, at the Cathedral, by the Reverend H. S. Fisher, Captain William Tilden, to Miss Amelia Jane Smith.

— At Calcutta, at the Cathedral, by the Reverend H. S. Fisher, Mr. Edward Johnson, of the firm of Ranken and Co., to Miss Eliza Mary Bennett.

18. At Calcutta, at the Cathedral, by the Reverend H. S. Fisher, Mr. Emil Von Dehn, to Miss Anna Matilda Read.

23. At Calcutta, at the Cathedral, by the Rev. H. Fisher, Mr. William Hawkesworth, assistant to Messrs. Burn and Co., to Miss Flora Sanches.

25. At Calcutta, at the Cathedral, by the Rev. H. Fisher, L. T. Watson, Esq., assistant surgeon H. C. service, to Miss Margaret Julia Dove.

— At Calcutta, at the Cathedral, by the venerable Archdeacon T. Deatry, Mr. Henry Peter Caspersz, to Miss Caroline D'Rezario.

# DEATHS.

March 1. At sea, on board the *Ermouth*, Alexander William, the son of Captain Watt, D. A. C. O. aged 6 years, 11 months and 22 days.

April 16. At Moulmein, Mr. Francis Lopez, late of the firm of Phillips and Lopez, of that place, aged 33 years.

21. At Singapore, Mary, the beloved wife of W. M. Dirom, Esq. of the Bengal civil service.

29. Between Penang and Malacca, on his passage to Singapore, Charles Francis, Esq. deputy collector of Calcutta, aged 45 years and 4 months.

May 4. At Agra, of small-pox, at the residence of W. M. Woollaston, Esq. Agra college, Miss Olivia Maria Pierce, eldest daughter of Mr. and Mrs. F. W. Pierce, of Sehore, in Bhopal Malwa, aged 9 years, 9 months and 7 days.

16. At Meerut, the wife of Mr. George Simmonds, assistant apothecary in the hospital of Her Majesty's 3d regiment or Buffs, aged 24 years, sincerely and deeply lamented.

18. At Futeebaghur, Margaret, the beloved daughter of Lieut. and Mrs. Chiese, aged 1 year, 8 months and 14 days.

21. At Rajeshay, Poolsoorah Factory, the infant son of Mr. A. C. Monnier, aged 2 months and 5 days.

— At Calcutta, Duncan MacNaught Liddell, Esq. merchant, aged 36 years.

23. At Calcutta, in the fever-hospital, Mr. Thomas Stone, aged 32 years.

24. At Calcutta, in the fever hospital, Mr. William Gilbert, aged 34 years.

— At Cawnpore, Mrs. A. Hay, the wife of T. W. H. Hay, Esq. of Cawnpore, aged 64 years.

— At Agra, spasmodic cholera, Susan Lucretia, the youngest daughter of Major W. R. Pogson, commanding the 47th regiment native infantry, aged 1 year and 11 months.

26. At Calcutta, James Calder, the beloved child of Mr. and Mrs. R. J. Ross, aged 3 years and 7 months.

— At Howrah, J. Thomas, Esq. aged 50 years, 3 months and 11 days.

27. At Calcutta, in Russell-street, Miss Georgiana Thompson, daughter of G. P. Thompson, Esq. of the Bengal civil service, aged 10 months and 23 days.

— At Calcutta, Sophia Jane, fourth daughter of Mr. Robert Campbell, aged 8 months and 22 days.

— At Calcutta, Maria Zelia Chill, wife of Mr. Robert William Chill, aged 22 years 4 months and 5 days.

— At Calcutta, in Sooterkin's lane, Mr. John Hobbs, aged 29 years.

— At Humeerpore, Henry Berrenger, the infant son of G. Wood, Esq. aged 14 months.

28. At Calcutta, at Colvin's ghaut, John Dungate Watt, Esq. surgeon of the ship *Justina*, aged 25 years.

29. At Calcutta, at Chandney Choke 2d lane, Miss Matilda Pereira, daughter of the late Mr. Pereira, aged 21 years, 3 months and 18 days.

— At Calcutta, at the fever hospital, Mr. Wm. Wood, mariner, aged 36 years.

30. At Calcutta, at the residence of her father, Mr. W. Bacon, Catherine, the beloved wife of Mr. C. B. McNeale, aged 18 years, 1 month and 14 days.

— At Mirzapore, of inflammatory fever, William Barlow, Esq., aged 38 years, deeply and deservedly lamented by his family and friends.

31. At Calcutta, at Talollah, Mrs. Clara Goldsmith, aged 65 years.

June 1. At Patna, Monsieur L. H. Carville, an old and respected inhabitant of that city, deeply and sincerely regretted by all who knew him.

1. At Cawnpore, Charles George, the youngest son of Conductor J. Vyall, ordnance department, aged 1 year, 5 months and 14 days.

2. At Calcutta, Mrs. E. E. Stanley, wife of the late Mr. T. Stanley, late indexer of the general department, aged 50 years, 6 months and 5 days.

— At Muttra, at the house of W. H. Tyler, Esq., D. H. Crawford, Esq., C. S., deeply regretted.

— At Kurnaul, of fever, in the 41st year of her age, Mrs. R. Hanland, wife of sub-conductor R. Hanland, of the army commissariat.

5. At Calcutta, Mrs. Ann Lidiard, aged 65 years.

— At Calcutta, in the police hospital, Mrs. Sally Bagnell, aged 25 years.

— At Assam, in Gowhaty, Mr. Charles Moore, senior, aged 49 years and 9 months.

6. At Monghyr, Thomas John Caston, second beloved son of J. W. Caston, Esq., merchant, aged 7 years, 7 months and 17 days.

— At Calcutta Mr. Elizabeth Gash, the wife of Mr. J. Gash, aged 45 years.

— At Banda, of convulsions, John Gill Killien, son of Sub-Conductor R. Killien, ordnance department, Sa-

gor magazine, aged 4 years and 4 months, deeply regretted by his relatives.

10. At Jubbulpoor, Caroline, daughter of Lieut. Wheatley, 5th light cavalry.

12. At Burisaul, Rose Jessie, second daughter of A. Smelt, Esq., of the civil service, aged 18 years and 8 months.

— At Calcutta, Miss Caroline Margaret, daughter of Mr. John Elloy, aged 5 years, 2 months and 27 days.

— At Calcutta, in Cossia Bazaar, Mrs. Emma Smith, the wife of Henry Smith, Esq., merchant, aged 35 years.

— At Mhow, in Malwah, 1st Lieutenant W. E. J. Hodgson, of the Bengal horse artillery, aged 33 years, deeply regretted.

14. At Calcutta, Mr. John Williams, aged 34 years, from the police hospital.

15. At Midnapore, Charlotte Ann, the beloved wife of W. F. Pennyngton, Esq. aged 28 years and 3 months.

— At Bhanglepore, Angelina, the beloved wife of Felix Lopes, Esq., indigo planter, aged 28 years and 10 months.

— At Dinapore, Ann, the affectionate wife of Mr. James Duban.

18. At Benares, William Henry, the infant son of Lieut. and Mrs. Burkinyoung, aged 3 months and 3 days.

20. At Calcutta, Mrs. Ellen Gallagher, wife of Wm. Gallagher, Esq., aged 26 years.

22. At Calcutta, Loll Bazar, Mr. Richard Parker, assistant to Messrs. Peters and Co., aged 38 years.

At Moosnuggur, suddenly, while in the execution of public duty, R. E. Loane, Esq., assistant collector of Humeerpore, aged 26 years, 8 months and 9 days.

At Calcutta, No. 80, Dhurrumtollah, Miss Wilhelmina Josephina Siret, daughter of Mr. T. Siret, conservancy department, aged 8 years, 2 months and 9 days.

At Sealdah, Mr. James Blaquiere, aged 19 years.

Sept. 9. Eumore.—2d Lieutenant Richard Henry Chapman, of the engineers.

Dec. 10. At No. 6, Wellington-Place, Leith, Mr. George Andersoh, late architect there.

## REVIEW OF THE CALCUTTA MARKET.

(From the Bengal Hurkaru Price Current, June 30.)

**INDIGO.**—From the accounts received during the week from Kishnaghar, Dacca, Jessore, and some other districts, the prospects of the growing crop are not so favourable, by a good deal as they were a week ago, a continuance of the rains for 10 days more, would cause a great reduction in the expected out-turn of the season. The rivers are everywhere rising rapidly, and in some districts have compelled the planters to commence operation sooner than it was intended. In our opinion, appearances now indicate a crop certainly under the average of the last several years, and nothing but weather like that, experienced from this time, till the close of last season, can give more than an average.

As to the market here, there is really nothing doing, and very little remains on the spot.

The exports up to last evening, amount as below :

To Great Britain.....	Fy. Mds.	84,316
France.....	ditto	17,537
Stockholm.....	ditto	108
North America.....	ditto	2,947
Bombay, Persian Gulph, and other } places in India.....	ditto	4,734

Total Fy. Mds. 108,833

**RAW SILK.**—Several parcels have changed hands during the week for the English market, at prices about 3 to 4 annas per seer, below last week's rates.

**SILK PINO GOODS.**—The demand continues for Corahs, and several purchases, viz. *large size* Corahs for English market and *small size* for America, are reported with the occurrences of the week. The prices of the assortments remain without any change since our last.

**COTTON.**—Accounts per the *Ann*, from China state, that there had been a fall of 4 to 5 mace per peca, in consequence of the

arrival (in China) of the *Sullmany* and *Sir Charles Malcolm*, but not actual sales had taken place.

Considerable purchases continue to be made here and at Mirzapore, but we have no particular change in our last quotations to notice.

**SALTETTES.**—The operations during the week are reported for the English and American markets, and the prices of the day show a small improvement on Chaprah.

**SUGAR.**—The market for this article may be reported steady, both as to demand and prices. The purchases reported are principally for England.

**LAC.**—The purchases of shell lac are for the English and American markets, and that of lac dye for the latter place. The prices of both remain without change since our last.

**DRY GINGER.**—Without transaction, and remains at our last currency.

**HIDES AND HORNS.**—Are in limited operation, and remain at former prices.

**OILSEEDS.**—Without purchase since our last. The prices of the day show a shade of improvement on linseed.

**SAFFLOWER.**—Also without purchase, but is quoted at a reduction.

**GRAIN.**—Purchases continue to be made of moonghee rice, wheat and gram, for the Mauritius; and the prices of the day exhibit an improvement on moonghee rice, and a fall on wheat and gram.

**OPIMUM.**—The accounts per the *Ann*, from China of a rise in price are purely accidental. It was in consequence of the departure of a judge for Peking, which afforded an opportunity to smuggle, and also in consequence of a Malwa speculator having sold on expectation of supplies, which not coming, forced him into a bare market, these intelligenances have been the cause of a considerable rise on the price of the drug here.

# GENERAL REGISTER.

A public sale was held yesterday by the Honourable Company at the Exchange-Rooms, of 2,249 chests Patna, and 1,458 chests Benares, and the following is the result:

	Chests	Highest	Lowest	Average	Proceeds
Patna	2,249	1,040	965	989 0 6	2,274,335
Benares	1,458	980	870	913 1 0	1,331,245

The average of this sale shows a considerable rise on the average price of the last, viz. of Co.'s Rs. 286 per chest on Patna, and Co.'s Rs. 360 15 per chest on Benares. The accounts per *Ann*, seem to have exercised a much greater influence than they ought to have done, and prices have rated considerably higher than was expected by parties in China.

## MONEY MARKET.

### GOVERNMENT SECURITIES.

	BUY.	SELL.
Stock { Transfer Loan of 1835-36, interest payable in England..... }	16 0 a	15 0 p.ct.
Second { From No. 1200 a to sell, par 0 0 a pm 2 12-15200, according to Numbers..... }	0 4 a	3 4
Third 5 per cent. .... premium	2 12 a	2 4
4 per cent. .... Dist. Co.'s Rs- 2 12 a	2 12 a	2 12
Stock { Transfer Loan of 1835-36, interest payable in England..... }	16 0 a	15 0
Second { From No. 1200 a to sell, par 0 0 a pm 2 12-15200, according to Numbers..... }	0 4 a	3 4
Third 5 per cent. .... premium	2 12 a	2 4
4 per cent. .... Dist. Co.'s Rs- 2 12 a	2 12 a	2 12
Stock { Transfer Loan of 1835-36, interest payable in England..... }	15 0 a	14 0
Second { From No. 1200 a to sell, par 0 0 a pm 3 0-15200, according to Numbers..... }	0 8 a	3 8
Third 5 per cent. .... premium	2 0 a	2 8
4 per cent. .... Dist. Co.'s Rs- 2 12 a	2 12 a	2 0

### BANK SHARES.

Bengal Bank (Co.'s Rs- 4,000) Prem. Co.'s Rs-	1,300 a	3,000
Union Bank (ditto 1,000) ditto	250 a	200
Bengal Bank (ditto 4,000) ditto	1,300 a	3,000
Union Bank (ditto 1,000) ditto	250 a	200
Bengal Bank (ditto 4,000) ditto	3,100 a	3,000
Union Bank (ditto 1,000) ditto	300 a	25
Bengal Bank (ditto 4,000) ditto	3,100 a	3,000
Union Bank (ditto 1,000) ditto	300 a	250

### COURSE OF EXCHANGE.

BUY.	SELL.
s. d. a	s. d. a
2 1/2 a	2 2 on London, 6 months' sight
102 0	a 100 8 on Madras, 30 days' sight
102 8	a 103 0 on Bombay, 30 days' sight
2 1/2 a	2 2 on London, 6 months' sight
102 0	a 102 8 on Madras, 30 days' sight
102 8	a 103 0 on Bombay, 30 days' sight
2 1/2 a	2 2 on London, 6 months' sight
102 0	a 102 8 on Madras, 30 days' sight
102 8	a 103 0 on Bombay, 30 days' sight

### PRICE OF BULLION, &c.

Spanish Dollars..... Co.'s Rs-	220 8 0 a	221 0 0 per 100
Dubloons.....	32 8 0 a	33 0 0 each
Joes or Peasas.....	19 11 0 a	20 0 0
Sovereigns.....	10 3 0 a	10 5 0
Bank of England Notes.....	10 8 6 a	10 10 8
Gold Mohurs.....	18 8 0 a	18 10 0
China Gold Bars.....	12 0 0 a	14 10 8 per sa. wt.
Sycee Silver.....	102 4 0 a	104 8 3 pr. 100 sa. wt.
Spanish Dollars.....	220 8 0 a	221 0 0 per 100
Dubloons.....	32 8 0 a	33 0 0 each
Joes or Peasas.....	19 11 0 a	20 0 0
Sovereigns.....	10 3 0 a	10 5 0
Bank of England Notes.....	10 8 6 a	10 10 8
Gold Mohurs.....	18 8 0 a	18 10 0
China Gold Bars.....	12 0 0 a	14 10 8 per sa. wt.
Sycee Silver.....	102 4 0 a	104 8 3 pr. 100 sa. wt.

## RATES OF INTEREST AND DISCOUNT.

### BANK OF BENGAL.

Discount { on Government Bills and Salary..... }	5 per cent.
on Private Bills, 3 months.....	10 ditto
on Loans on Government Papers.....	6 1/2 ditto
Interest { on Goods..... }	8 to 10 ditto
on Government Bills and Salary.....	5 per cent.
Discount { on Private Bills, 3 months..... }	10 ditto
on Loans on Government Papers.....	6 1/2 ditto
Interest { on Goods..... }	8 to 10 ditto

### UNION BANK.

Discount { charged on Govt. and Salary Bills.... }	5 per cent.
ditto on Private Bills, 1 month....	9 ditto
ditto on ditto ditto, 2 ditto.....	10 ditto
ditto on ditto ditto, 3 ditto.....	11 ditto
Interest { allowed on Deposits, for 3 months certain..... }	5 ditto
charged on Company's Paper Loans....	8 ditto
ditto on Deposit of Goods.....	9 ditto
ditto on Govt. and Salary Bills.....	5 per cent.
Discount { ditto on Private Bills, 1 month..... }	9 ditto
ditto on ditto ditto, 2 ditto.....	10 ditto
ditto on ditto ditto, 3 ditto.....	11 ditto
Interest { allowed on Deposits, for 3 months certain..... }	5 ditto
charged on Company's Paper Loans....	8 ditto
ditto on Deposit of Goods.....	9 ditto

## ADMINISTRATION TO ESTATES.

Cock, James.....	W. F. Gibbon.
Mackenzie, H., Major.....	Mrs. M. L. Mackenzie.
Oakley, R. C.....	Registrar Supreme Court.
Wickins, J. M.....	Registrar Supreme Court.
Blake, B., Major 67th N. I.....	Registrar Supreme Court.
Francis, C.....	Mrs. R. G. Francis, Widow.
King, H. F., Merchant.....	Mrs. H. King, Widow.
William, George, Indigo Planter.....	Registrar Supreme Court.
Chater, P. A.....	Registrar Supreme Court.
Doorgapersad Doss.....	Sreemutty Goluckmoney, Dosses.
Gomaney Khanam, Bebee.....	Mirsah Goorbur Ally, Merchant.
Mehtaub, Bebee.....	Mrs. M. A. Doveton and H. Doveton, Eng.
Sobococcurun Doss.....	Registrar Supreme Court.
Babonau, H., Senior.....	Mrs. Maria Babonau.
Dumming, M.....	Registrar Supreme Court.
Fowles, W.....	Registrar Supreme Court.
Godrich, H. A.....	Registrar Supreme Court.
Hill, George, 67th N. I.....	Registrar Supreme Court.
Johnson, J.....	George Urs Adam.
Moss, J.....	Registrar Supreme Court.
Shamli Tagore.....	Registrar Supreme Court.















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